

# Tribal Lands and Environment Forum: A National Conversation on Tribal Land and Water Resources

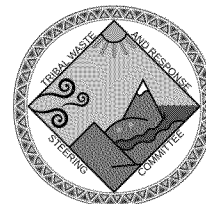
August 14-17, 2017

Tulsa, Oklahoma



The Muscogee (Creek) Nation's Council Oak Tree in Tulsa, Oklahoma.

## Conference Booklet

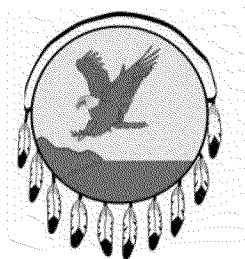
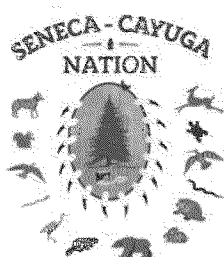
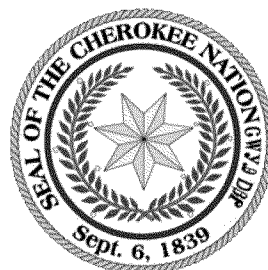


*The Institute for Tribal Environmental Professionals (ITEP) and the National Tribal Waste and Response Assistance Program (TWRAP) Steering Committee are proud to bring you the 2017 Tribal Lands and Environment: A National Conversation on Tribal Land and Water Resources. This event is made possible by a grant from the US Environmental Protection Agency's Office of Land and Emergency Management (OLEM) and Office of Water (OW).*

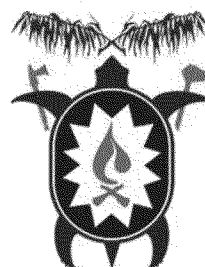
# Thank You to All the Local Tribe's Who Assisted Us This Year!

The Tribal Lands and Environment Forum Team would like to sincerely thank the many Oklahoma Tribes that provided such wonderful assistance in planning this year's Forum.

Their assistance proved invaluable in planning many special field trips, providing a variety of artists who will be in the exhibitor/vendor area, participating in both our opening and closing plenaries, and sharing their stories in trainings and breakout sessions. Their generosity also made possible the many special events and activities we were able to add to this year's Forum. We sincerely appreciate their warm hospitality!



Modoc Tribe of Oklahoma



Wyandotte Tribe of Oklahoma

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# About the Tribal Lands and Environment Forum

The 2017 Tribal Lands and Environment: A National Conversation on Tribal Land and Water Resources is a joint effort between the Institute for Tribal Environmental Professionals (ITEP), The National Tribal Waste and Response Assistance Program (TWRAP) Steering Committee, and USEPA's Office of Land and Emergency Management (OLEM) and Office of Water (OW). This is the seventh annual forum for environmental professionals from tribes, EPA, State/Local/Federal agencies, and other interested parties to meet, share knowledge and learn from one another how to improve management and protection of tribal lands and human health. Opportunities for discussion of budget and policy issues as well as technical updates and information will be available throughout the conference. Additionally, training sessions, tribe-to-tribe sharing, educational outreach projects, and many more sessions will enhance both learning and networking among attendees. The Tribal Lands and Environment Forum is made possible by funding from the US Environmental Protection Agency.

## Forum Staff

On-site support staff are available to assist you during the forum and will be available at the registration table located outside of the Tulsa Ballroom, near the North Ballroom Gallery.

## Registration

The Forum Registration table is available Sunday from 4:00pm to 6:00pm, Monday 6:30am to 6:00pm, and Tuesday from 7:00am to 1:30pm, outside the Tulsa Ballroom. Attendees were asked to sign up in advance for trainings and field trips; however, sign-up sheets will be available at the Registration table for those trainings and field trips with space available.

## Refreshments

Light refreshments will be provided in the mornings and afternoons of Monday through Thursday. Refreshments will be located with the vendors in the North Ballroom Gallery.

## Raffle

Each attendee will receive one ticket when they register at the desk. Drawings will take place at the registration desk on Tuesday and Wednesday at noon. Winning numbers will be written up on the message board, so be sure to stop by the registration desk to see if you've won. A final raffle drawing will take place during the closing plenary on Thursday afternoon.

## Photographs

Photographs will be taken during this publicly-sponsored event. Photos will be used for outreach by ITEP in the form of publications, websites, brochures, and other media.

## Website for Conference Materials

After the conference, please visit ITEP's 2017 Tribal Lands and Environment Forum website to download pictures, presentations, handouts and other materials from the conference. A networking list of all attendees will also be available at [nau.edu/itep/main/conferences/confr\\_tlef](http://nau.edu/itep/main/conferences/confr_tlef)

## Evaluations

Evaluations will be conducted online after the forum. Requests to complete evaluations will be emailed to all participants. You will also be able to access the evaluation through the Tribal Lands and Environment Forum website at [nau.edu/itep/main/conferences/confr\\_tlef](http://nau.edu/itep/main/conferences/confr_tlef)





## Euchee Butterfly Farm and Natives Raising Natives

The Euchee Butterfly Farm specializes in the rearing of butterflies native to Oklahoma, and is operated by citizens of the Muscogee (Creek) Nation. The Farm is also a founding member of the **Tribal Environmental Action for Monarchs** coalition, the only tribal partnership currently engaged in the fight to save the monarch butterfly.

The mission of the Euchee Butterfly Farm is:

- To create economic independence for the tribal people of Oklahoma through ecologically sustainable butterfly farming;
- To restore habitat and promote conservation of native species of butterflies;
- To use butterflies as a hands-on educational tool to get youth excited about science.

Their flagship program is the **Natives Raising Natives Project**. This unique initiative is providing 100 tribal members in Oklahoma with all of the necessary training, supplies and equipment at no-cost to raise native butterflies on their own land. The Farm will process the sales -- with payments going directly to the farmers -- providing employment which is otherwise scarce in economically depressed rural areas. The Euchee Butterfly Farm is located on original Creek allotment land which has been in Jane Breckinridge's (the director) family for five generations, and she and her team want to make that land economically productive - but not at the expense of the environment. They see butterfly farming as the perfect opportunity to conserve native Oklahoma plants and animals, and to honor their own Native heritage and lands. For more information please visit [www.nativebutterflies.org/](http://www.nativebutterflies.org/).

## Grey Snow Eagle House

The Iowa Tribe of Oklahoma's Grey Snow Eagle House first opened in January 2006 through funds provided by the U.S. Fish and Wildlife Services and the Iowa Tribe of Oklahoma. The Grey Snow Eagle House operates under several U.S. Fish and Wildlife permits which allow it to successfully conduct four distinct programs. The Grey Snow Eagle House is the only facility in the country that possesses this combination of permits thereby allowing them to complete their mission. The **Rehabilitation** program allows them to bring in injured eagles from Oklahoma and work with their vet, Dr. Paul Welch, to release them back into the wild. The **Religious Use** permit allows them to provide homes to eagles from around the country that are non-releasable because of their injuries, but still have quality of life, so that they can live out their life in peace. It also allows for naturally molted feathers to be distributed out to Iowa Tribal members. The **Education** permit allows them to take trained raptors around the state to teach the public about the conservation of eagles, raptors, and American Indian beliefs. Finally, the **Research** permit allows them to have a partnership with Oklahoma State University for the conservation of eagles. This research includes detailed population genetics and genomics research done on eagles from throughout their North American range so that new information can be discovered and used to aid in management decisions.

Currently, they have had over 12,000 visitors from all over the US and the world visit their facility, while offsite presentations have provided education for at least another 10,000. As of April 2016, the eagle aviary has successfully released 20 eagles back into the wild. These had various eagle injuries that were caused by gun shots, broken bones, or soft tissue injuries. The eagle aviary currently consists of six large cages built to accommodate the needs of eagles, an ICU room, quarantine cages, education cages, and feeder animal operations. For more information visit [eagles.iowanation.org/](http://eagles.iowanation.org/).





# About ITEP

## The Institute for Tribal Environmental Professionals



The Institute for Tribal Environmental Professionals (ITEP) was created to act as a catalyst among tribal governments, research and technical resources at Northern Arizona University (NAU), various federal, state and local governments, and the private sector, in support of environmental protection of Native American natural resources. ITEP was established at NAU in 1992, and accomplishes its mission through several programs.

### **Tribal Waste and Response Assistance Program (TWRAP):**

TWRAP provides training and assistance to tribes in the areas of concern such as solid waste, brownfields, contaminated sites, hazardous materials, underground storage tanks, and emergency response. TWRAP also provides targeted assistance to Alaska Native Villages.

### **Tribal Solid Waste Education and Assistance Program (TSWEAP):**

TSWEAP is dedicated to providing tribal professionals working in the field of solid waste with trainings, technical assistance, peer-to-peer matching, and on-site mentoring opportunities. Assistance is provided with developing and implementing Tribal Integrated Solid Waste Management Plans, Tribal solid waste codes, and a variety of source reduction and waste diversion strategies.

### **Air Quality:**

ITEP's American Indian Air Quality Training Program (AIAQTP) provides training and educational outreach for tribal environmental staff all over the United States, including Alaska. The various projects and services provided by AIAQTP include: Assisting in the building of tribal capacity for air quality management; Providing high-quality, up-to-date training that is immediately relevant to tribes; Enhancing communication skills to promote collaboration and networking.

### **Tribal Air Monitoring Support (TAMS) Center:**

One of the key components of ITEP's air quality program is the TAMS Center which was created through a partnership between tribes, ITEP and the US EPA. It is the first technical training center designed specifically to meet the needs of tribes involved in air quality management and offers an array of training and support services to tribal air professionals.

### **Climate Change:**

ITEP has developed a resource and training program to address tribal climate change issues. ITEP's efforts strive to help tribes to better understand climate change and to develop strategies for dealing with changing climate patterns through adaptation and mitigation, and emphasizes both science and traditional knowledge.

### **NEIEN:**

ITEP is working with the Tribal Governance Group (TGG) and EPA's Office of Environmental Information (OEI) to support tribal involvement in the National Environmental Information Exchange Network (NEIEN or "Network"). The NEIEN is a collaborative endeavor that strives to support better environmental decisions through improved exchange of, and access to, environmental data and information. This effort will focus on expanding tribal participation in the NEIEN, which is guided by representatives from States, Territories, Tribes, and EPA. ITEP will work with tribes to facilitate a unified tribal voice amongst the NEIEN partners, and identify ways to help foster projects and initiatives that are both relevant and sustainable for tribes.

### **Education and Outreach:**

The purpose of the Environmental Education Outreach Program (EEOP) is to interest Native American students in environmental careers and to assist schools in improving environmental science literacy.

### **Resources:**

ITEP provides a large number of resources for tribes on a variety of environmental issues. Many of these resources have been collected from federal agencies, non-profit organizations, and other tribes. The resource clearinghouse is an invaluable asset to tribes as they develop their environmental program capacity. ITEP programs rely heavily on tribal input and participation. Tribal environmental professionals are recruited as instructors, researchers, advocates and collaborators, where their expertise and experience serves as a valuable resource and contributes significantly to ITEP's success.

# About TWRAP



## The Tribal Waste and Response Assistance Program

Since 2008 ITEP has worked in cooperation with the USEPA's Office of Land and Emergency Management (OLEM) under the Tribal Waste and Response Assistance Program (TWRAP). The activities of this program include:

- Working with the TWRAP Steering Committee, a Tribal Partnership Group composed of tribal professionals working in the fields of waste management, contaminated sites (including Superfund and federal facilities), Underground Storage Tanks, brownfields, and emergency response programs. This steering committee works closely with ITEP on all tasks associated with this program, and ensure a two-way communication between tribes and OLEM.
- Delivering the annual Tribal Lands and Environment Forum, as well as special trainings. You are at the seventh Forum and we hope you find it interesting and useful!
- Working with the Tribal Superfund Working Group, by coordinating national conference calls, developing special online resources to assist tribal professionals working on Superfund-related issues, and conducting special trainings at Superfund sites affecting tribal lands.
- Conducting ongoing outreach to tribes, through our listserv, the bi-monthly e-newsletter *Full Circle*, and by developing special online resources and mentoring opportunities, including our onsite mentoring project. To learn more about onsite mentoring visit our website at: [http://www7.nau.edu/itep/main/Waste/waste\\_mentors](http://www7.nau.edu/itep/main/Waste/waste_mentors)

## The TWRAP National Steering Committee

Since 2009, ITEP has been assisted in our work by the national Tribal Waste and Response Assistance Program (TWRAP) Steering Committee. Through in-person meetings, conference calls, and attendance at ITEP events, committee members make sure that both ITEP and OLEM are aware of tribal priorities and concerns. To this end they produce an annual Priority Document that is shared with the National Tribal Caucus and senior management at USEPA. Steering committee members also serve as instructors at ITEP courses, work as mentors to other tribal professionals, provide feedback to ITEP and OLEM on program activities, and make this Forum possible! Thank you to all the steering committee members—past and present—for all their hard work.

- Victoria Flowers, Oneida Nation
- Katie Kruse, Keweenaw Bay Indian Community
- Virginia LeClere, Prairie Band Potawatomi Nation (vice-chair)
- Cynthia Naha, Santo Domingo Tribe
- Arvind Patel, Pueblo of Acoma (chair)
- Rob Roy, La Jolla Band of Luiseno Indians
- Rebecca Stevens, Coeur d'Alene Tribe
- John Wheaton, Nez Perce Tribe
- Ann Wyatt, Klawock Native Village





# Agenda ~ At a Glance

## Monday, August 14: Training Sessions and Field Trips

Greenwood/Cherry Street	10:00 am to 12:00 pm: A Grant Writing Blueprint  1:00 pm to 5:00 pm: Developing and Implementing an EPA-Tribal ETEP and Strategic Plan for Tribal Environmental Programs
Brookside/Blue Dome	8:00 am to 12:00 pm: Brownfield Tribal Response Programs 101—Establishing a TRP  1:00 pm to 5:00 pm: Enhancing a Brownfield 128(a) Tribal Response Program
Utica	8:00 am to 5:00 pm: Eight Hour HAZWOPER Refresher
Brady	8:00 am to 12:00 pm: ENIPC's UST Owner/ Operator Training  1:00 pm to 5:00 pm: Above Ground Tank Spill Prevention Inspector Short Course
Tulsa Room B-3	8:00 am to 5:00: Tribal-FERST Your Environment, Your Health
Tulsa Room B-2	8:00 am to 5:00 pm: Approaching Community Engagement and Redevelopment through Indigenous Planning
Tulsa Room B-1	8:00 am to 5:00 pm: Water and Wastewater Utility Operation, Maintenance, and Management (CEUs Provided) - Please note this training continues on Tuesday with a field trip
Field Trips	8:00 am to 5:00 pm: Visits to the Modoc, Eastern Shawnee and Wyandotte Recycling Facilities 8:00 am to 5:00 pm: Trip to the Euchee Butterfly Farm and "Natives Helping Natives" Project
Meet the buses outside the North Ballroom Gallery	8:00 am to 5:00 pm: Tour of the Quapaw Tribe's Tar Creek Superfund Site Activities 8:00 am to 5:00 pm: Osage Nation's Water Quality and Community Engagement Projects

## Tuesday Morning, August 15: Training Sessions

Greenwood/Cherry Street	8:00 am to 12:00 pm: Hazardous Waste Program Inspections and Emergency Response
Brookside/Blue Dome	8:00 am to 12:00 pm: Brownfields Tools to Engage Community and Assess Health Risk
Utica	8:00 am to 12:00 pm: USEPA Munitions Response Training
Brady	Strengthening Tribal Self-Determination and Self-Governance by Administering Environmental Protection Programs: The Continuing Relevance of EPA's 1984 Indian Policy & 1992 GAP Statute
Tulsa Room B-3	8:00 am to 12:00 pm: Emergency Response Planning for Tribes
Tulsa Room B-2	8:00 am to 12:00 pm: Communicating Sustainability Through Tribal Environmental Programs
Field Trips	8:00 am to 12:00 pm: A tour of the Lower Bird Creek Wastewater Treatment facility. This field trip is being offered in conjunction with the Monday Water & Wastewater Utility training on Monday. It is open to those not participating in the training, space permitting.
Meet the buses outside the North Ballroom Gallery	8:00 am to 12:00 pm: A tour of multiple sustainability projects by the Muscogee (Creek) Nation, including composting/gardening, sustainable building, recycling, and energy efficiency  8:00 am to 12:00 pm: A visit to UST Containment Solutions, a UST manufacturing facility in Tulsa

# Agenda ~ At a Glance



## Tuesday Afternoon, August 15: Opening Plenary

### 1:30 PM-3:00 PM: Tulsa Ballroom

#### Tulsa Ballroom

Osage Nation Color Guard

Invocation by Chuck Hoskin Jr. Cherokee Nation Secretary of State

Welcoming remarks by:

Ann Marie Chischilly, Executive Director of ITEP

Arvind Patel, Pueblo of Acoma and Chair of the TWRAP Steering Committee

Ken Norton, Hoopa Valley Tribe and Chair of the National Tribal Water Council

Patrick Davis, Deputy Assistant Administrator of USEPA's Office of Land and Emergency Management

Sam Coleman, USEPA Region 6 Administrator

Plenary Presentation by:

Del Beaver, Representative of the Muscogee (Creek) Nation Council

James Williams, Muscogee (Creek) Nation Environmental Director

## Tuesday Afternoon, August 15: Breakout Sessions

### 3:30 PM-5:00 PM Break-Out Sessions

Greenwood/Cherry Street Training for Hazardous Waste Operations

Brookside/Blue Dome Technical Assistance to Tribal Brownfields Communities **and** Get All you Can Out of the Brownfields Inventory Tool (BIT) and EPA ACRES Databases

Utica Grants Mining District - Legacy Uranium Update **and** When the CWA and CERCLA Collide in the Coeur d'Alene Basin

Brady Elements and History of UST Equipment Functionality Testing

Tulsa Room B-3 Understanding ETEPs and the Power of Planning to Protect the Environment and Public Health in Indian Country

Tulsa Room B-2 Climate Change and TEK: Why It Matters **and** Up an E.coli Creek Without a Paddle

Tulsa Room B-1 From Restoration to Relationship

## Wednesday Morning, August 16: Breakout Sessions

### 8:30 AM-10:00 AM Break-Out Sessions

Greenwood/Cherry Street Comparison of Developing & Underdeveloped Countries' Waste Management v. Rural Alaska's Village Landfills **and** Backhaul Alaska: Building a Self-Sustaining Waste Removal Program for Rural Alaska

Brookside/Blue Dome EPA and Tribal Emergency Management 101 **and** Chemical Facility Security and Safety

Utica A Forum for Discussing How Tribes and USEPA Can work Together to Consider TEK in the Cleanup Process

Brady UST Program Update and Future Directions Including a Discussion of UST Regulatory Requirements and PEI Standards

Tulsa Room B-3 Photography: Telling your Tribe's Story

Tulsa Room B-2 Underground Injection Control and Tribal Lands **and** Working as a Group: A Collaborative Effort to Focus Less on Data Entry, and More on Data Quality

Tulsa Room B-1 Establishing Tribal Water Quality and Drinking Water Programs under EPA's Indian Environmental General Assistance Program (GAP)



# Agenda ~ At a Glance

## Wednesday Morning, August 16: Breakout Sessions

### 10:30 AM –12:00 PM: Break-Out Sessions

Greenwood/Cherry Street	Developing and Implementing Tribal Solid Waste Programs under EPA's Indian Environmental General Assistance Program (GAP)
Brookside/Blue Dome	The Quest for Potable Water <b>and</b> NEPA & Brownfield Redevelopment
Utica	Tribal Superfund Working Group (TSFWG) Meeting
Brady	Gas Stations in Your Community: A Panel Discussion on What You Need To Know
Tulsa Room B-3	Code Writing for Tribal Environmental Programs
Tulsa Room B-2	Using Geospatial Technology to Visualize Environmental Data <b>and</b> Know Before You Fly
Tulsa Room B-1	Establishing Clean Water Act Water Quality Standards <b>and</b> Tribal Treaty Rights: Experiences and Implications for Water Quality Standards Programs

## Wednesday Afternoon, August 16: Breakout Sessions

### 1:30 PM-3:00 PM: Break-Out Sessions

Greenwood/Cherry Street	Developing and Operating Tribal Transfer Stations: Stories, Experiences, and Opportunities for Partnership
Brookside/Blue Dome	Lessons Learned: What To Do & What Not To Do When Applying For A Cleanup Grant
Utica	Superfund and the National Historic Preservation Act in Indian Country <b>and</b> An Introduction to CERCLA from a Legal Perspective
Brady	Abandoned UST's on the Nez Perce Reservation <b>and</b> Building Capacity for UST Compliance Assistance
Tulsa Room B-3	AIEO and Tribes Working Together to Improve Human Health and the Environment
Tulsa Room B-2	Leveraging Funding and Working on Large River Restoration Projects <b>and</b> GIS Application for Drinking Water Protection
Tulsa Room B-1	Exploring the Water Finance Clearinghouse

## Wednesday Afternoon, August 16: Multi Media Meetup

### 3:30 PM-5:00 PM : Tulsa Ballroom

Join us in the Tulsa ballroom during this breakout period for the Multi Media Meetup. Numerous information tables, demonstrations, and poster presentations will be available for you during this special networking and educational event. See page 27 for more information.

## Thursday Morning, August 17: Breakout Sessions

### 8:30 AM-10:00 AM Break-Out Sessions

Greenwood/Cherry Street	Developing and Implementing a Successful Hazardous Waste Management Project through the Hazardous Waste Management Grant Program for Tribes
Brookside/Blue Dome	HazMat Spill Response at the Corner of TRP and OPA <b>and</b> Tribal Emergency Response Application
Utica	Remedial Strategies at the Tar Creek Superfund Site
Brady	What's New in Emerging Fuels: Corrosion Concerns and Compatibility Determinations
Tulsa Room B-3	Maximizing Sustainability and Profit: A Winning Combination at Tribal Casinos
Tulsa Room B-2	Tribal Exposures to Toxic Substances
Tulsa Room B-1	Managing Nonpoint Source Pollution: How to Get From "A" (Assessment) to "B" (Best Management Practices)

# Agenda ~ At a Glance



## Thursday Morning, August 17: Breakout Sessions

### 10:30 AM-12:00 PM Break-Out Sessions

Greenwood/Cherry Street	Mother Earth Recycles: Because What You've Got is Not Waste
Brookside/Blue Dome	Financial Literacy
Utica	A Coeur d'Alene Tribe's Engineer's Perspective On Reservation Creosote Clean-up & Coordination <b>and</b> Cultural Sensitivity to the Navajo People When Addressing Abandoned Uranium Mines Clean-Up
Brady	Advanced Tools and Strategies to Develop Conceptual Site Models for Effective Remediation
Tulsa Room B-3	Benefits of Meaningful Public Engagement in Tribal Environmental Programs
Tulsa Room B-2	E-Enterprise – Collaborative Environmental Leadership
Tulsa Room B-1	Integrating Art and Culture into Water Infrastructure Sustainability: Key Insights from the Water is Life Project <b>and</b> Green Building in the Gila River Indian Community

## Thursday Afternoon, August 17: Breakout Sessions

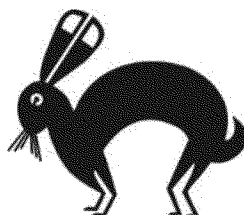
### 1:30 PM-3:00 PM Break-Out Sessions

Greenwood/Cherry Street	Developing a Zero Waste Vision and Strategy <b>and</b> Planning and Designing Community Engagement Approaches for Tribal Integrated Waste Management Programs
Brookside/Blue Dome	EPA Regions 1 & 2 Tribal Brownfields Priorities
Utica	State and Tribal Perspectives on ANCSA Contaminated Lands
Brady	The Importance of Adequate Financial Responsibility: A Focus on Private Insurance and State Funds <b>and</b> An Informal Q&A Discussion About the UST Program
Tulsa Room B-3	Tribal Food Systems: Taking Care of the Land, Water and Community
Tulsa Room B-2	Building Tribal Capacity for Data Management and Exchange
Tulsa Room B-1	Building Tribal Drinking Water and Wastewater Infrastructure Systems with EPA's Drinking Water and Clean Water Tribal Set-Aside Programs: A History, How to Apply for Funds, and Future Outlook <b>and</b> ITCA Tribal Operator Certification Program Overview & Updates

## Thursday Afternoon, August 16: Closing Plenary

### 3:30 PM-5:00 PM: Tulsa Ballroom

3:30—4:00 pm	Final raffle, closing remarks, refreshments
4:00—5:00 pm	Special presentation by the Grey Snow Eagle House, a raptor rehabilitation facility managed by the Iowa Tribe





# Detailed Agenda ~ Monday, August 14

Time

Topic

Location

**10:00 am - 12:00 pm A Grant Writing Blueprint**

**Greenwood/Cherry Street**

**Details:** Clear, well written laws are often needed to effectively manage ongoing environmental issues within Indian Country. Many tribes currently need to create or revise water, waste, air, or other environmental codes to address the unique issues and objectives within their community. This session provides a summary of a step-by-step approach to developing tribal environmental codes regularly taught in multiday workshops on behalf of organizations such as ITEP. Examples of how this approach has been applied will be shared from specific tribal projects.

**Instructor:** Joshua Simmons, Prosper Sustainably

**1:00 pm—5:00 pm Developing and Implementing an EPA-Tribal ETEP And Strategic Plans for Tribal Environmental Programs**

**Greenwood/Cherry Street**

**Details:** An EPA-Tribal Environmental Plan (ETEP) can and should be a powerful tool that helps a tribe accomplish its environmental goals and objectives in the most efficient and effective manner possible. This workshop will offer a blueprint on how to develop (or revise) and implement an ETEP that is a living, adaptable (yet simple) strategic planning and management system. Participants will receive hands-on training on how to prepare (or revise) clear mission and vision statements, core values, long-term goals, and intermediate objectives to guide their tribal environmental programs. Training will also be provided on how to implement an ETEP strategic work plan to develop grant work plans, oversee programs, manage staff, obtain buy-in from leadership, develop partnerships, and more. This workshop will be supplemented with case studies and examples from the Pala Band of Mission Indians and Yavapai Apache Nation.

**Instructor:** Joshua Simmons, Prosper Sustainably

**8:00 am—12:00 pm Brownfield Tribal Response Programs 101 Establishing a TRP**

**Brookside/ Blue Dome**

**Details:** Basic training on the Brownfields 128(a) Tribal Response Program (TRP) for tribal staff that are relatively new to the program or seeking to start a TRP program. Outcome: knowledge of what is expected to establish and implement a TRP and some concepts on how to do that. No previous knowledge of the TRP is required.

**Instructors:** Mickey Hartnett and Oral Saulters, KSU-Tribal TAB

**1:00 pm— 5:00 pm Enhancing a Brownfield 128(a) Tribal Response Program**

**Brookside/ Blue Dome**

**Details:** How to Enhance your 128(a) Tribal Response Program: Going beyond the 4 Element Basics. Outcome: Ideas, Experiences and Discussion of how to build upon the basics of the 4 Elements of TRP to meet tribal needs and priorities. Knowledge of the basic TRP 4 Elements and some TRP implementation experience needed.

**Instructor:** Mickey Hartnett, KSU-Tribal TAB

**8:00 am—5:00 pm Eight-Hour HAZWOPER Refresher**

**Utica**

**Details:** At the end of this training the participant will be able to: 1. Identify the training requirements to meet the five levels of the HAZWOPER Standard 2. Understand the requirement of the employer and the employee under the HAZWOPER Standard 3. Able to use the 2016 ERG and NIOSH Handbook of Chemical Hazards 4. Will know the components of a Site-Specific Safety Plan 5. Complete a chemical evaluation 6. Complete a job hazard analysis 7. Understand how to select PPE 8. Understand the HAZCOM/GHS regulation 9. Understand basic air monitoring Instrumentation 10. Have a basic understanding of the incident command system.

**Instructor:** Eric Lindeman



# Detailed Agenda ~ Monday, August 14



Time	Topic	Location
8:00 am – 12:00 pm	<b>ENIPC's UST Owner/Operator Training</b>	<b>Brady</b>
	<p><b>Details:</b> ENIPC is pleased to announce UST Owner/Operator Training at the Tribal Lands and Environment Forum in Tulsa, OK. The training shall cover the following topics: tank and piping leak test requirements, safety, federal regulations, reporting, recordkeeping, financial responsibility, UST operations and Maintenance, Compliance Issues, New Regulations. This training explains and demonstrates to UST owners and operators the proper operation and maintenance of UST facility equipment; identifies and addresses existing compliance issues; and reviews federal UST regulations.</p> <p><b>Instructors:</b> Leonard Sabatino and Rebecca Martin, Eight Northern Indian Pueblos Council</p>	
1:00 pm – 5:00 pm	<b>Above Ground Storage Tank Spill Prevention Inspections</b>	<b>Brady</b>
	<p><b>Details:</b> Spill Prevention Control and Countermeasures regulations and inspection program will be discussed in detail. While not a delegated program, EPA relies on tribes to be aware of oil storage facilities that EPA inspects and what is required for facilities to prevent spills and plan for spill mitigation. Tribes that are more informed can better report issues to regional inspectors.</p> <p><b>Instructor:</b> Mark Howard, USEPA Office of Emergency Management</p>	
8:00 am– 5:00 pm	<b>Tribal-FERST—Your Environment, Your Health</b>	<b>Tulsa Room B-3</b>
	<p><b>Details:</b> USEPA's Tribal-Focused Environmental Risk and Sustainability Tool (Tribal-FERST) is a web-based geospatial decision support tool designed to serve as a research framework to provide tribes with easy access to the best available human health and ecological science. Tribal-focused tools are needed to: Prioritize Environmental Issues, Understand exposure pathways, and Conduct comprehensive impact assessments, all of which are important in decisions to improve public health and the environment. Participants will learn how to follow step-by-step guidance for identifying priority issues, compile data, rank and address risks, and assess impacts. The Tribal-FERST geospatial mapping component will enable the participant to view and overlay demographic information with publicly available data including Environmental concentration, Human exposures, Health risks, Ecosystem services, Sustainability indicators, and Sources of pollution. Tribal-FERST is intended to empower tribes by providing access to relevant science that can be used to develop sustainable, cost-effective solutions for reducing environmental exposures and health risks. Using this web-based geospatial decision support tool, tribes may employ a holistic approach to address environmental concerns and plan for the future. Participants will need to bring a laptop with wifi capability. A limited number of laptops will be available for use. Participants will need a minimum skill set on operating a computer and some knowledge of the environment. We are seeking participant feedback to produce a Tribal oriented Tool.</p> <p><b>Instructors:</b> Steve Terry and Harrell French, United South and Eastern Tribes</p>	
8:00 am– 5:00 pm	<b>Approaching Community Engagement and Redevelopment Through Indigenous Planning</b>	<b>Tulsa Room B-2</b>
	<p><b>Details:</b> This session will introduce participants to the Intra-Tribal Redevelopment Visioning Roundtables, which are one-day events facilitated by the University of New Mexico Indigenous Design and Planning Institute (UNM iD+Pi), and Tribal Colleges and Universities (TCUs) as collaborators. The goal is to develop capacity in tribal community engagement, in a neutral setting, using Indigenous participatory techniques that can leverage Tribal Response Programs (TRP) resources and tools. For example, the approach can help stakeholders scope, plan, and implement land re-use decisions based on an agreed set of principles and input from all generations. This and other values-based methods can generate consensus in meeting environmental, economic, cultural and social needs with brownfields sites involving existing infrastructure, greenspace, and strategic visioning.</p> <p><b>Instructors:</b> Theodore Jojola and Michaela Paulette Shirley, University of New Mexico Design and Planning Institute</p>	



# Detailed Agenda ~ Monday, August 14

Time	Topic	Location
8:00 am – 5:00 pm	<b>Water and Wastewater Utility Operations, Maintenance, and Management (CEUs Provided)</b>	<b>Tulsa Room B-I</b>
	<p><b>Details:</b> A well run tribal water utility saves money, protects public health, and keeps streams, lakes, pond and coastal waters clean. This training is intended for utility operators, managers, and leaders. The workshop will use presentations, case studies, and group exercises to promote utility sustainability and instruct participants on how best to operate, troubleshoot, maintain and manage drinking water &amp; wastewater collection treatment and disposal systems, covering: Water &amp; wastewater collection system management; Water &amp; wastewater treatment system operation and maintenance; Decentralized system O&amp;M and management; Operator and management roles and responsibilities; Developing rate structures to support operations; Asset management to ensure system sustainability; and Resiliency planning to respond to and recover from extreme events. This training will continue on Tuesday morning with a field trip to a local wastewater treatment facility.</p> <p><b>Instructor:</b> Mark Nelson, P.G. with Horsley Witten Group, Inc.</p>	
8:00 am—5:00 pm	<b>FIELD TRIP of Three Tribal Recycling Facilities</b>	<b>North Ballroom Gallery</b>
	<p><b>Details:</b> This special all-day tour will visit the recycling facilities of the Modoc Tribe, Wyandotte Nation, and Eastern Shawnee Tribe. This is an excellent opportunity to see three different approaches to recycling and talk to onsite staff about equipment, operations, administration, and markets. Attendees will purchase lunch onsite for \$5 for this tour.</p>	
8:00 am—5:00 pm	<b>FIELD TRIP of In-Stream Monitoring And Community Engagement Strategies</b>	<b>North Ballroom Gallery</b>
	<p><b>Details:</b> This all-day tour, led by staff from the Osage Nation and Blue Thumb Oklahoma, will allow attendees to learn about, and practice in-stream water quality monitoring techniques. Participants will also learn about citizen science and community education and engagement projects being conducted by the tribe and their partners. Lunch will be provided on this tour.</p>	
8:00 am—5:00 pm	<b>FIELD TRIP Tar Creek Superfund Site and a Passive Treatment System</b>	<b>North Ballroom Gallery</b>
	<p><b>Details:</b> This all-day tour will provide attendees with an introduction to the Tar Creek Superfund site by staff from the Quapaw Tribe as well as visits to the Fischer Pile, the Catholic 40 site, Douthit Bridge, and Distal 10/Distal 12. Attendees will then visit the innovative Mayer Ranch Passive Treatment System before returning to Tulsa. Attendees will purchase lunch onsite for \$5 for this tour.</p>	
8:00 am—12:00 pm	<b>FIELD TRIP of Euchee Butterfly Farm</b>	<b>North Ballroom Gallery</b>
	<p><b>Details:</b> Attendees on this half-day tour will visit the Euchee Butterfly Farm, which includes a greenhouse, butterfly raising facility, and collections of native seeds. Their "Natives Helping Natives" project is looking for additional tribal partners around the country, and they currently work with seven tribes in Oklahoma to save, and plant, native seeds as well as spread native pollinators. This will be an excellent opportunity to learn about how you can work with native pollinators and plants, including on remediation projects.</p>	

# Detailed Agenda ~ Tuesday, August 15



Time	Topic	Location
8:00 am – 12:00 pm	<b>Hazardous Waste Program Inspections and Emergency Response</b> <b>Details:</b> In this session GRIC DEQ will present information on how to conduct hazardous waste and chemical safety inspections. This will include what we have learned from our experience with program development, environmental law enforcement, safety, emergency response and other aspects of implementing U.S. EPA and tribal programs. Information will include: • Common hazardous chemicals and where they are found. • How to identify chemicals, chemical wastes, and their hazards. • How to safely store chemicals and their wastes. • How to plan for and prevent chemical emergencies • How to clean up chemicals when they spill or catch fire. • How to respond to chemical emergencies, spills, fires, explosions and other releases. • Personnel safety and sampling considerations. • EPA and tribal laws for site access and inspections. • How to conduct chemical waste and safety inspections. • Designing tribal waste laws and integrated waste management plans. • Practical examples and plans. <b>Instructors:</b> Rudy Mix and Dale Anderson, Gila River Indian Community	<b>Greenwood/Cherry Street</b>
8:00 am – 12:00 pm	<b>Brownfields Tools to Engage Community And Assess Health Risk</b> <b>Details:</b> In this interactive session, participants will learn about three tools created by ATSDR Land Reuse Health Program. The first tool is the ATSDR Land Reuse Action Model, a four-step framework to engage communities in land reuse planning. The second tool is the ATSDR Land Reuse Site tool. This tool is an inventory database and a rapid site screening/multiple chemical evaluation tool that allows users to assess sites by past/future use, institutional controls, sensitive populations, and suspected or confirmed contamination. The third resource is the ATSDR Comparison Value Viewer. That tool is a computer program that allows users to quickly view ATSDR health-based comparison values for chemicals in three media (air, soil, and water). <b>Instructor:</b> Gary Perlman, ATSDR <b>Moderator:</b> Rebecca Stevens, Nez Perce Tribe and TWRAP Steering Committee member	<b>Brookside/Blue Dome</b>
8:00 am—12:00 pm	<b>USEPA Munitions Response Training</b> <b>Details:</b> This entry-level course, is designed to provide an overview of key environmental issues associated with munitions cleanup. Participants will be introduced to terminology, munitions identification and safety concerns, regulatory requirements, conventional and innovative technology, site characterization, and remediation. It will provide introductory background on key munitions clean-up issues relevant to regulators, federal environmental program managers, and community stakeholders. Course instructors will combine lecture, case studies, and class participation to provide an interesting and interactive training experience. <b>Instructor:</b> Andy Schwartz, USACE/USEPA	<b>Utica</b>
8:00 am—12:00 pm	<b>Emergency Response Planning for Tribes</b> <b>Details:</b> Some tribes have already completed or are in the process of completing such Emergency Response plans. The purpose of this training is to help attendees understand their needs and how to craft emergency response plans relevant to their communities. This training will be a time to share examples from various tribes, as well as discussing emergency planning guidance materials from multiple USEPA Regions. <b>Instructors:</b> John Wheaton, Nez Perce Tribe and TWRAP Steering Committee member; Nick Nichols, USEPA	<b>Tulsa Room B-I</b>



# Detailed Agenda ~ Tuesday, August 15

Time	Topic	Location
8:00 am – 12:00 pm	<b>Communicating Sustainability Through Tribal Environmental Programs</b> <b>Details:</b> This workshop is designed to: a) improve participant's ability to turn dry numbers and facts into a compelling story, and b) help students create the key elements of an effective messaging campaign so they can build their story and take it to the Tribal Community and Council. The workshop will be broken into the three following sessions. Connecting with Others Through Story: What makes an effective story? Why is story important to moving your audience and how does it trigger action? How can digital story be used by Tribal Utility and Environmental Programs to aid in telling a better story and delivering a stronger message to their communities? 2. Crafting a Presentation That Inspires: Learn what you have been doing wrong all these years and how you can make a more effective and powerful electronic presentations. 3. Framing Your Message: Learn techniques to develop a strong and persuasive message, framed for your audience. Build on the techniques above to create a message that will motivate your community. In addition, Cynthia Naha will share her digital story, focused on solid waste and tribal communities. Ms. Naha will highlight the process she went through to create a message utilizing photos, music and narration to connect to her audience. <b>Presenters:</b> Sarah Diefendorf, EFCWest and Cynthia Naha, Santo Domingo Tribe and TWRAP Steering Committee member	<b>Tulsa Room B-2</b>
8:00 am—12:00 pm	<b>Strengthening Tribal Self-Determination and Self-Governance by Administering Environmental Protection Programs: The Continuing Relevance of EPA's 1984 Indian Policy &amp; 1992 GAP Statute</b> <b>Details:</b> The 1984 "EPA Policy for the Administration of Environmental Programs on Indian Reservations" and the 1992 "Indian Environmental General Assistance Program Act" (GAP) are based on the notion that tribal governments are the appropriate non-Federal parties for carrying out environmental program implementation responsibilities for Indian country. These documents continue to guide EPA in its work with tribes and help EPA fulfill its mission in a manner that promotes tribal "self-government." This training session will cover the history and content of the 1984 Indian Policy and the 1992 GAP statute. Participants will learn: (1) The legal basis for EPA's tribal program as expressed through the 1984 Indian Policy; (2) The authority to fund tribal capacity to administer environmental protection programs under the GAP statute; and (3) How these foundational documents continue to support tribal self-governance today. <b>Presenter:</b> Professor James Grijalva, Director Northern Plains Indian Law Center's Tribal Environmental Law Project, University of North Dakota School of Law	<b>Brady</b>
8:00 am—12:00 pm	<b>FILED TRIP of Lower Bird Creek Wastewater Treatment Facility</b> <b>Details:</b> Attendees will spend the morning visiting the Lower Bird Creek Wastewater Treatment Plant in Northeast Tulsa. This is a continuation of the training started on Monday. Those not participating in the training are welcome to take part in the field trip, space permitting.	<b>North Gallery</b>
8:00 am—12:00 pm	<b>FIELD TRIP of UST Containment Solutions Facility</b> <b>Details:</b> This large-scale production facility will afford attendees the opportunity to see how a variety of sizes of USTs are constructed. Participants will get a walk-through tour of the factory and have the opportunity to talk with onsite staff about the latest developments in USTs.	<b>North Gallery</b>
8:00 am—12:00 pm	<b>FIELD TRIP of Muscogee (Creek) Nation</b> <b>Details:</b> Participants on this tour will visit a series of special projects undertaken by MCN, including energy-efficient tribal homes, renewable energy projects at the tribal college, buildings constructed with recycled and repurposed materials, composting and garden projects, and other environmentally friendly initiatives rooted in the Nation's culture and values.	<b>North Gallery</b>

# Detailed Agenda ~ Tuesday, August 15



1:30 pm - 3:00 pm ..... Opening Plenary Session ..... 1:30 pm - 3:00 pm

<b>1:30 - 1:45 pm</b>	<b>Osage Nation Color Guard</b>	<b>Tulsa Ballroom</b>
<b>1:45 - 2:25 pm</b>	<b>Welcoming Remarks and Invocation</b> Chuck Hoskin Jr., Cherokee Nation Secretary of State Ann Marie Chischilly, ITEP Executive Director Arvind Patel, Pueblo of Acoma and Chair of the TWRAP Steering Committee Ken Norton, Hoopa Valley Tribe and Chair of the National Tribal Water Council Patrick Davis, Deputy Assistant Administrator of USEPA OLEM Sam Coleman, USEPA Region 6 Administrator	<b>Tulsa Ballroom</b>
<b>2:25 - 3:00 pm</b>	<b>Featured Speakers</b> Del Beaver, Representative of Muscogee (Creek) Nation Council James Williams, Muscogee (Creek) Nation Environmental Director	<b>Tulsa Ballroom</b>

3:30 pm - 5:00 pm ..... Breakout Sessions ..... 3:30 pm - 5:00 pm

## **Training for Hazardous Waste Operations** ~ Greenwood/Cherry Street~

**Details:** This course is designed for tribal employees working in and around waste disposal facilities (transfer stations, landfills) for information on how to properly manage hazardous wastes arriving. Are there are wastes being stored for transfer and proper disposal, but they are not being properly managed in the sense, for example, incompatibles (acids and bases) being stored together, or reactives that are not stored under cover? Are unknown hazardous wastes being tested or categorized and, again, may not be properly stored? Also, is there is a need for employees to know how to manifest these types of wastes for shipment and disposal? This session will help guide environmental personnel on how to properly manage, categorize, store, and prepare for transport to a proper facility, those wastes they may encounter in day-to-day operations.

**Presenters:** Bobbie Anne Barnowsky and Kami Snowden, TSWAN

**Moderator:** Rob Roy, La Jolla Band of Luiseno Indians and TWRAP Steering Committee Member



## **Grants Mining District—Legacy Uranium Update** **AND**

## **When the CWA and CERCLA Collide in the Coeur d'Alene Basin** ~ Utica~

**Details:** Work continues in the Grants Mining District in New Mexico from impacts of legacy uranium mining. This session will provide an update of EPA Region 6 progress and activities within the GMD.

**Presenter:** LaDonna Turner, USEPA

**Details:** This session will be based around a common reality that a lot of Tribe's experience when it comes to wearing both Clean Water Act (CWA) and Comprehensive Environmental Response Compensation Liability Act (CERCLA) 'hats'. Typically, States & Regions separate those two authorities which have proven to be somewhat problematic for the Coeur d'Alenes. Come hear about some of the challenges that the Tribe faces as the Superfund remedy does not apply to the Lake and water quality protection relies solely on the Tribe and States CWA authorities.

**Presenter:** Rebecca Stevens, Coeur d'Alene Tribe and TWRAP Steering Committee Member

**Moderator:** Arvind Patel, Pueblo of Acoma and TWRAP Steering Committee chair



# Detailed Agenda ~ Tuesday, August 15

3:30 pm - 5:00 pm ..... Breakout Sessions ..... 3:30 pm - 5:00 pm

## Technical Assistance to Tribal Brownfields Communities

AND

### Get All You Can Out of the Brownfields Inventory Tool and USEPA ACRES Databases

~ Brookside/Blue Dome~

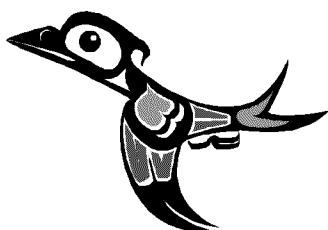
**Details:** An introduction to the EPA funded Technical Assistance to Brownfields (TAB) Programs and the new for 2017 Tribal TAB Program from KSU. Learn how these TABs can assist the establishment and enhancement of your 128(a) Tribal Response Program and provide technical assistance with your brownfields projects and activities. No previous brownfields knowledge required. An outcome may be free assistance with implementing your brownfields program from inventory to redevelopment and reuse of sites from experienced persons that understand how to get things done in a tribal environment.

**Presenters:** Oral Saulters and Mickey Hartnet, KSU-TAB; Kelly Gorini

**Details:** How to gather and store brownfield site information, generate maps, enforce codes and regulations, report assessment and cleanup accomplishments to EPA (if you are a grantee), and meet EPA's public notice requirement. Experts using the Brownfields Inventory Tool (BIT) and the EPA ACRES (Assessment, Cleanup & Redevelopment Exchange System) databases will show you how to do this. Brownfields coordinators can use BIT for their own internal purposes, including everything listed above, plus more. BIT also has a web interface for reporting progress, on sites assessed and cleaned up with EPA funds, into ACRES (which is an EPA grantee requirement). Site data in ACRES, including EPA Targeted Brownfields Assessment Data, can also be easily accessed and moved into an individual's BIT account. Other ways to exchange data, collect site information in the field, and a smartphone app, will be discussed.

**Presenters:** Oral Saulters and Blasé Leven, KSU-TAB; Kelly Gorini

**Moderator:** Cynthia Naha, Santo Domingo Tribe and TWRAP Steering Committee Member



## Elements and History of UST Equipment Functionality Testing

~ Brady~

**Details:** Since the first functionality test was conducted by Mr. William Purpora in 1972 to determine the cause of an inventory loss to using equipment and technology to find leaks today, we will discuss the importance of functionality testing. We will examine the history and evolution of functionality testing along with the issues uncovered throughout the history of testing.

**Presenter:** Stephen Purpora, Purpora Engineering

## Understanding ETEPs and the Power of Planning to Protect the Environment and Public Health in Indian Country

~ Tulsa Room B-1~

**Details:** An EPA-Tribal Environmental Plan (ETEP) is an intergovernmental strategic planning agreement that defines mutual roles and responsibilities for the development and implementation of environmental protection programs. This session will explore the opportunities afforded by this joint planning process and how ETEPs bolster the government-to-government relationship and support EPA's 1984 Indian Policy. It will include discussion of practical approaches for developing, refining and implementing ETEPs. The session will also feature examples of how ETEPs have set the stage for stronger environmental and public health protection in tribal communities. Attendees will have a chance to ask specific questions related to ETEP development and are encouraged to bring a copy of their draft or final ETEP to this session.

**Presenters:** Felicia Wright, Rebecca Roose, and Treda Grayson, USEPA AIEO

NOTES:

# Detailed Agenda ~ Tuesday, August 15



3:30 pm - 5:00 pm ..... Breakout Sessions ..... 3:30 pm - 5:00 pm

## Climate Change and TEK: Why It Matters AND

### Up An E.coli Creek Without a Paddle

~ Tulsa Room B-2~

**Details:** Across the United States, tribes have long practiced and maintained their culture while adapting to the continual changes of the environment, surviving in conditions that many people would consider hard and at times, impossible. Tribes have documented environmental changes through their stories and cultural practices, many of which are still evident today. This unique connection is one factor that makes tribes more vulnerable to the impacts that stem from changes caused by humans, weather, and the climate. In addition, many tribes still live in small, close-knit communities within government mandated reservation boundaries that have created geographic isolation from and decreased access to basic infrastructures and services. Some tribes have communities that are more rural than urban, and often border non-tribal lands. All combined can or has created vulnerabilities to the challenges that climate change brings upon affected people and communities.

**Presenter:** Nikki Cooley, ITEP

**Details:** The predominately-rural landscape of the Sac and Fox Nation enables profitable agricultural activities, which can have an impact on the reservation waters. Agricultural activities combined with the seasonal rain events influence E.coli levels at all of our creeks, streams, and rivers. Walnut Creek, a waterway on the western boundary of the reservation, is listed in the state of Kansas as impaired and all sampling sites have varying amounts of E.coli. The quality of the watershed within the reservation is important to residents because it provides the people and the wildlife with subsistence that is necessary to continue a healthy way of life. The Sac and Fox Nation has a mature water program due to record keeping since 2001. CWA 106 is being utilized on the reservation to sample sites in a strategic manner to find water pollution and eradicate the problem. During the last three years a medium sized confined animal feeding operation was found to be contributing large amounts of E.coli to a stream that flows directly into the Nemaha River. Data collected and submitted to the EPA as well as the state of Nebraska resulted in a house call from these two entities. The interagency relationships that the Sac and Fox Nation CWA 106 program has formed with various public and private sector entities helps ensure the protection of waters and wetlands for the benefit of current and future generations of Sac and Fox as well as the surrounding communities.

**Presenter:** Mickey Sigmon, Sac and Fox Nation of Missouri in Kansas and Nebraska

**Moderator:** John Wheaton, Nez Perce Tribe and TWRAP Steering Committee member

## From Restoration to Relationship

~ Tulsa Room B-3~

**Details:** The Coeur d'Alene Tribe actively extends beyond a Western science approach to restoration to actively facilitate relationships between its members and their environment. Embracing and promoting traditional epistemologies, community leadership, and community learning can bridge the gap between western conservation/restoration and the needs of tribal communities. This can lead to the true restoration of lost tribal services in injured environments.

**Presenters:** Caj Matheson, Coeur d'Alene Tribe

**Moderator:** Ann Wyatt, Klawock Native Village and TWRAP Steering Committee member

## NOTES:



# Detailed Agenda ~ Wednesday, August 16

8:30 am – 10:00 am ..... Breakout Sessions ..... 8:30 am– 10:00 am

## **Comparison of Developing and Underdeveloped Countries' Waste Management v. Rural Alaskan Villages' Landfills AND**

### **Backhaul Alaska: Building a Self-Sustaining Waste Removal Program for Rural Alaska** ~ Greenwood/Cherry Street~

**Details:** This presentation will focus on Developing Country's and Rural Alaska's Village Waste Management. It will compare their similarities and/or differences, and project what Climate and Environmental Challenges we will face in the future. It will contain a call to action for global waste management. It will address the importance of protecting the World's Environment for all living things. Topics to include: huge islands of plastic in the oceans; mercury from coal burning circling the globe in the wind, and; uncontrolled dumping into rivers and oceans. We are in this together. Continual dumping of ecologically harmful waste is only making clean water, clean air, and clean land harder to find or protect. Join me for this presentation and other shared observations from those willing to contribute.

**Presenters:** Ted Jacobson, USEPA/SEE

**Details:** Landfills in rural Alaska are unlined, ill-equipped for consolidation and cover, and often near-capacity, which leaves rural Alaskan communities without a safe way to dispose of hazardous waste, nor good options to dispose of bulky materials. Rather than dispose of these wastes in the landfill, many rural communities backhaul waste, which is to ship the waste back from Alaska's remote tribal communities by outbound airplanes, trucks, and barges. Backhaul is expensive and a cost-effective, long-term backhaul program is needed to stretch rural Alaska's limited financial resources and to protect the public and the environment. EPA Region 10, the Solid Waste Alaska Taskforce, the state, tribes, industry, and other leaders have contributed to a plan to develop a statewide backhaul service program. The program aims to reduce the cost of backhaul statewide and generate revenue through a waste handling and backhaul coordination service. Participants in this session will learn about the work to date to establish the "Backhaul Alaska" program. The program is being developed throughout 2017 with the input of a wide range of stakeholders. Pilot projects are planned for 2018 and 2019, and the program will be launched in 2020. Presenters will share the process for developing the plan as well as current project challenges and invite participants to provide ideas for ensuring the program's success.

**Presenters:** Lynn Zender, Zender Environmental Health and Research Group

**Moderator:** Nikki Cooley, ITEP

## **A Forum for Discussing How Tribes and USEPA Can work Together to Consider TEK in the Cleanup Process**

~ Utica ~

**Details:** The purpose of this session is to discuss how EPA's Office of Land and Emergency Management can work in partnership with federally-recognized tribes to better understand Traditional Ecological Knowledge (TEK), when willingly shared, and how it can be used in site cleanups and revitalization efforts. During a cleanup on or near tribal lands, whether it be a Superfund or Brownfields site, open dump, or a response to spills, EPA engages the community and conducts outreach activities with tribes to ensure a successful cleanup. EPA's consultation and coordination process offers tribal officials an opportunity to provide information, including TEK, for the EPA to consider in a decision. Because these discussions are likely to touch on issues of unique tribal sensitivity such as cultural practices, environmental resource use, and locations of cultural resources, EPA is interested in learning ways to improve the process for collecting, using, and/or documenting TEK, when tribes offer this information willingly. In this session, the panel will provide a brief overview and history of joint tribal/federal initiatives and workgroups focused on TEK, as well as an example from the St. Regis Mohawk Tribe, who worked with the community to use tribal knowledge, as well as GIS, to prioritize areas for cleanup and revitalization under its tribal response program. USEPA will discuss the 2017 initiative that ensures OLEM offices are considering TEK and we invite TLEF participants to share best practices of how governments work collaboratively to incorporate traditional knowledge into a decision during our session discussion.

**Presenters:** Julia Jacobs, Saint Regis Mohawk Tribe; Ann Marie Chischilly, ITEP; David Lloyd and Jessica Snyder, USEPA

**Moderator:** Christine Poore, USEPA

## **Photography: Telling Your Tribe's Story**

~ Tulsa Room B-I ~

**Details:** This session will focus on helping you discover how you can tell your tribe's story through photography. We will cover the basics of photography, how to use photo essays as part of your story telling efforts, and cover the art and science of composition.

**Presenter:** , John Parker, USEPA Region 7 Social Media Director and Photographer



# Detailed Agenda ~ Wednesday, August 16



8:30 am - 10:00 am ..... Breakout Sessions..... 8:30 am - 10:00 am

## **USEPA and Tribal Emergency Management 101 AND Chemical Facility Security and Safety ~ Brookside/Blue Dome~**

**Details:** Emergency Management in Indian Country from EPA perspective. Including discussion of (chemical and oil) regulations, policy and accomplishments in prevention, preparedness, and response. Tribal emergency responder perspective is planned. Case study discussions on incidents since the last TLEF.

**Presenter:** Nick Nichols, USEPA

**Details:** Under the Executive Order 13650 – Improving Chemical Facility Safety and Security, the Department of Homeland Security, the Environmental Protection Agency, the Department of Labor, the Department of Justice, the Department of Agriculture, and the Department of Transportation established a Working Group to improve chemical facility safety and security in coordination with State, Local, Tribal and Territorial stakeholders; emergency responders; chemical facility owners and operators. On June 6, 2014, the Working Group's report to the President, entitled "Actions to Improve Chemical Facility Safety and Security – A Shared Commitment" was released. The report highlights activities undertaken to improve chemical facility safety and security and provides a consolidated plan of actions to further minimize safety and security risks. The report discusses topics such as improving operation coordination between State, Local, Tribal and Territorial partners; improving information collection and sharing; stakeholder outreach; and identifying best practices. This session will provide an update on activities and steps taken since the release of the report and will include topics on obtaining and interpreting risk information, identifying avenues for information sharing, Chemical-terrorism Vulnerability Information and best practices.

**Presenter:** Doug Collins, Glenn Moore, and George Renteria, Department of Homeland Security

**Moderator:** John Wheaton, Nez Perce Tribe and TWRAP Steering Committee member

## **UST Program Updates & Future Directions, Including a Discussion of Regulatory Requirements and PEI Standards ~ Brady ~**

**Details:** This session will provide a brief introduction and orientation of the underground storage tank (UST) program. This will include an overview of the implementation of the new UST regulations, such as the upcoming due dates; challenges and lessons learned to date; a discussion of some of the key questions and answers; and plans for operator training. One critical component of the EPA regulations is the reliance on recommended practices (RPs) developed by industry organizations. The Petroleum Equipment Institute (PEI) has developed a series of RPs directly applicable to the UST regulations. PEI's Rick Long will discuss the foundation for PEI's RPs --what they are, where they come from, how they are produced, and why they are helpful. He will then provide an overview of two newly updated standards regarding testing and verification (RP 1200) and installation and maintenance (RP 900).

**Presenters:** Mark Barolo, USEPA and Rick Long, Petroleum Equipment Institute (PEI)



NOTES:



# Detailed Agenda ~ Wednesday, August 16

8:30 am ~ 10:00 am ..... Breakout Sessions ..... 8:30 am ~ 10:00 am

## **Underground Injection Control and Tribal Lands AND**

### **Working as a Group: A Collaborative Effort to Focus Less On Data Entry and More on Data Quality**

~ Tulsa Room B-2 ~

**Details:** Underground Injection Control: This discussion will provide attendees with an overview of the Underground Injection Control (UIC) Program with an emphasis on tribal UIC activity. The UIC program is intended to protect underground sources of drinking water and regulates the subsurface emplacement of fluids including those that are oil and gas related. Most UIC tribal programs are directly implemented by EPA. A perspective from a tribal UIC inspector will be included.

**Presenters:** Beth Hall, USEPA

**Details:** In February 2017, the Pueblo of Sandia initiated a New Mexico Tribal Water Quality Working Group. The purpose of this working group was to convene the New Mexico Pueblos and Tribes together on a quarterly basis to discuss water quality issues they face together and separately. The working group would also foster tribal partnerships. One idea that has been proposed and is being investigated is a joint sampling event for all the Pueblos on the Rio Grande River. This portion of the presentation will focus on the formation of the working group and the coordinated sampling idea to this point. The second portion of the presentation will explain how the Ambient Water Quality Monitoring System (AWQMS) can assist with the data entry, analysis, graphs and reporting of this joint sampling to the Environmental Protection Agency (EPA).

**Presenters:** Scott Bulgrin, Pueblo of Sandia and Alex Hepner, Gold Systems

**Moderator:** Lydia Scheer, ITEP

## **Establishing Tribal Water Quality and Drinking Water Programs Under USEPA's Indian Environmental General Assistance Program**

~ Tulsa Room B-3 ~

**Details:** Tribes can use General Assistance Program (GAP) funds to plan, develop, and establish their capacity to implement tribal water quality and drinking water programs, consistent with the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA). This interactive session will cover the water quality and drinking water program capacities tribes can establish under GAP, as documented under Section D.3 of EPA's GAP guidance. These indicators provide an essential foundation for successful tribal program implementation and improve leveraging opportunities between GAP and other EPA grant programs. The session will feature examples of successful tribal water quality and drinking water programs to illustrate effective program planning and grant fund utilization. EPA will invite tribal personnel in the audience to share first-hand experiences that illustrate how effective strategic planning can help achieve tribal program goals. Presenters will field questions from attendees and reference EPA grant guidance documents.

**Presenter:** Rebecca Roose and Treda Grayson, USEPA AIEO

NOTES:

# Detailed Agenda ~ Wednesday, August 16



10:30 am - 12:00 pm ..... Breakout Sessions ..... 10:30 am - 12:00 pm

## Developing & Implementing Tribal Solid Waste Programs Under USEPA's Indian Environmental General Assistance Program

~ Greenwood/Cherry Street ~

**Details:** Developing and Implementing Tribal Solid Waste Programs under EPA's Indian Environmental General Assistance Program (GAP): Tribes can use GAP funds to develop and implement solid and hazardous waste management programs consistent with the Solid Waste Disposal Act (also known as the Resource Conservation and Recovery Act). This interactive session will cover the tribal waste management program capacities that can be established under GAP, as documented under Section E.3 of EPA's GAP program guidance. These indicators provide an essential foundation for successful tribal solid waste program implementation. The session will feature examples of successful tribal solid waste management program development activities and describe allowable solid waste program implementation activities under GAP. EPA will invite tribal personnel in the audience to share first-hand experiences that illustrate how effective strategic planning for tribal waste management and source separation program development and implementation can help achieve tribal program goals. Presenters will field questions from attendees and reference EPA grant guidance documents.

**Presenters:** Rebecca Roose, and Treda Grayson, USEPA AIEO

## Tribal Superfund Working Group Meeting

~ Utica ~

**Details:** This year's meeting of the Tribal Superfund Working Group will feature several small discussion circles, with each circle being focused on a particular theme. Attendees will pick the circle they wish to join, and will engage their tribal colleagues in sharing and discussing challenges, as well as successes, they have encountered. Each discussion circle will report back to the whole group toward the end of the session, so that everyone can benefit and learn from each circle and apply new strategies and ideas to their own program. All are welcome to attend and participate in this interactive meeting.

**Moderators:** Julie Jurkowski and Todd Barnell, ITEP



## The Quest for Potable Water AND NEPA and Brownfields Redevelopment ~ Brookside/Blue Dome ~

**Details:** Tribal Unit (TU)-45 is a 38.9 acre property located 1.3 miles southeast of Orofino, Idaho, along the south bank of the Clearwater River. The property has potential to generate jobs, income, and housing. In this session, lessons learned and accomplishments are presented as the Phase II ESA is nearing completion.

**Presenter:** Judy Goodson, Nez Perce Tribe

**Details:** Brownfield redevelopment is not just cleanup but also siting a new use. Federal involvement triggers NEPA (Nat'l Env Policy Act) & a host of other federal requirements for every aspect of the overall development (e.g. floodplain management, historic preservation). The NEPA Environmental Assessment provides a framework for environmental planning for the new use which both opportunities (to be more sustainable) & responsibility (to meet minimum requirements).

**Presenters:** Eugene Goldfarb, KSU-TAB/University of Illinois Chicago

**Moderator:** Katie Kruse, Keweenaw Bay Indian Community and TWRAP Steering Committee member

## Gas Stations in Your Community: A Panel Discussion on What Your Need To Know

~ Brady ~

**Details:** This session will be a facilitated panel discussion of Tribal Environmental Professionals, not UST professionals. The panelists will discuss the challenges, successes and lessons learned they have had dealing with USTs on their Tribal lands; in particular, how each of their Tribes address them and how to incorporate them into existing Tribal environmental program structures.

**Presenters:** Mark Junker, Sac and Fox Nation of Missouri in Kansas and Nebraska; Georja Kriebs and Paige Hingst, Santee Sioux Nation; Emily Luscombe, Coyote Valley Band of Pomo; Rob Roy, La Jolla Band of Luiseno Indians and TWRAP Steering Committee member

**Moderator:** Victoria Flowers, Oneida Nation and TWRAP Steering Committee member



# Detailed Agenda ~ Wednesday, August 16

10:30 am - 12:00 pm ..... Breakout Sessions ..... 10:30 am - 12:00 pm

## Code Writing for Tribal Environmental Programs

~ Tulsa Room B-1 ~

**Details:** Code drafting can be a difficult and daunting task due to the complexity of legal writing. However, anyone can do it! Familiarity with tribal law is helpful, but not required. This session will start with an overview of places to begin looking at and reading tribal code. We will then discuss how to begin writing law for your tribe that matches your tribe's needs. Before ending, each participant will practice writing a piece of law on a topic important to his/her work and we will discuss how to continue that work to completion.

**Presenter:** Annie Perry, Port Gamble S'Klallam Tribe

**Moderator:** Ann Wyatt, Klawock Native Village and TWRAP Steering Committee member

## Using Geospatial Technology to Visualize Environmental Data

AND

## Know Before You Fly

~ Tulsa Room B-2 ~

**Details:** The Muscogee (Creek) Nation through its Geospatial Department has been able to use the EPA Exchange Network Grant Program to further its sharing capabilities and centralizing data within the tribe. Together using database and geospatial technologies, the integration of information has led the tribe to better managing its resources and good decision making that has not only benefited our tribal citizens but the departments within the tribe too. By providing mechanisms for sharing and displaying geographical information, the data collected by our environmental programs and other partners provide has led to identifying critical land and water issues within our tribal jurisdictional boundary. Our planning and grants team uses the information to assist them in identifying future tribal projects and obtaining the necessary funding. This session will look at the technology behind the data that provides the visual analysis.

**Presenter:** Frank Harjo, Muscogee (Creek) Nation

**Details:** This session will give the participants information on current FAA regulations for small unmanned aerial vehicle (sUAV) or "drones". It will also provide guidance on preparing to take the FAA's part 107 Remote Pilot Certification Test. This session is for individuals thinking of adding sUAV's or "drones" to their programs and what considerations should be taken into account beforehand.

**Presenter:** Mike Arce, Oneida Nation

**Moderator:** Virginia LeClere, Prairie Band Potawatomi Nation and TWRAP Steering Committee vice chair

## Establishing Clean Water Act Water Quality Standards—Requirements and Resources

AND

## Tribal Treaty Rights: Experiences and Implications for WQS Programs

~ Tulsa Room B-3 ~

**Details:** This session will present information on the process for authorized tribes to establish EPA-approved water quality standards (WQS) protected by the Clean Water Act. The focus will be on the requirements necessary to establish and run the CWA programs for Section 303(c) water quality standards and CWA Section 401 certification of federal licenses and permits for facilities discharging into navigable waters. Participants in this session will also learn about the resources and tools EPA provides to further assist tribes in developing CWA WQS, including the Model WQS Template.

**Presenter:** Zoe Ruge, USEPA

**Details:** This session will focus on tribal treaty rights, EPA's roles and responsibilities regarding those rights, and incorporation of treaty rights in Clean Water Act (CWA) decisions. This session will present information and case examples on how applicable treaty rights have informed water quality standards (WQS) actions.

**Presenter:** Zoe Ruge, USEPA

**Moderator:** Cynthia Naha, Santo Domingo Tribe and TWRAP Steering Committee member

NOTES:

# Detailed Agenda ~ Wednesday, August 16



1:30 pm - 3:00 pm ..... Breakout Sessions ..... 1:30 pm - 3:00 pm

## **Developing and Operating Tribal Transfer Stations: Stories, Experiences, and Opportunities for Partnership** ~ Greenwood/Cherry Street ~

**Details:** Establishing and operating a tribal transfer station is a key part of managing solid waste on tribal lands, from the smallest rancherias to the largest reservations. In this session, the presenters will provide background on the integration of transfer stations into their tribal communities. The Pala Band of Mission Indians established their large, full-service transfer station in 2006, and have subsequently provided visiting tribes with tours and training that they can apply to their own facilities. The Pueblo of Sandia is in the process of expanding their small, basic facility into a larger operation that will better serve Sandia's needs. As part of this process, ITEP facilitated an onsite mentoring match between Pala and Sandia. This session will include the lessons learned by both Pala and Sandia as they developed their facilities, and will also discuss lessons learned from the peer mentoring process and will discuss how that experience can help other participants. Session participants should come away with a better understanding of what transfer stations do, why they are important, how to determine their communities' solid waste needs, and how to leverage partnerships with other tribes to open and/or improve their solid waste programs.

**Presenters:** Shasta Gaughen, Pala Band of Mission Indians and Scott Bulgrin, Pueblo of Sandia

**Moderator:** Todd Barnell, ITEP

## **Lessons Learned: What to Do & What Not to Do When Applying for a Cleanup Grant** **AND**

## **Office Hours with the Office of Brownfields and Land Revitalization**

~ Brookside/Blue Dome ~

**Details:** Participants will learn the "Do's" and "Don'ts" when applying for a Cleanup grant by experiences of the White Mountain Apache Tribe Environmental Protection Office.

**Presenters:** Brenda Begay and Marco Burnette, White Mountain Apache Tribe

**Details:** Participants and attendees will receive up to date information on brownfields and land revitalization priorities, tribal response program funding, new tribal technical assistance and research and emerging issues to track brownfield and tribal response program progress.

**Presenters:** David Lloyd, OBLR Director

**Moderator:** John Wheaton, Nez Perce Tribe and TWRAP Steering Committee member

## **Superfund and the National Historic Preservation Act in Indian Country** **AND**

## **An Introduction to CERCLA** **from a Legal Standpoint** ~ Uttica ~

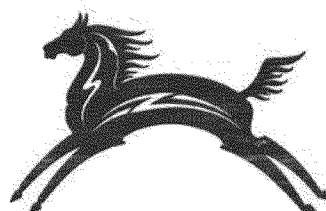
**Details:** EPA's Office of Land and Emergency Management and Regional Superfund program work with Tribes to consider tribal cultural, historic and archaeological resources that may be affected by Superfund response actions. EPA considers the National Historic Preservation Act (NHPA) as a potential Applicable or Relevant and Appropriate Requirement (ARAR) for Superfund sites. The NHPA provides protections for tribal resources and Tribal governments have specific roles under NHPA. The presentation will describe the NHPA Section 106 process and the role of tribal governments and the Tribal Historic Preservation Officer. By sharing the statutory and regulatory basis as well as a Coeur d'Alene Tribe case study, participants will gain an overview of the National Historic Preservation Act requirements as they relate to Superfund response actions in Indian country.

**Presenters:** Rebecca Stevens, Coeur d'Alene Tribe and Anne Dailey, USEPA

**Details:** This presentation will provide a legal perspective on the process of dealing with a Superfund site on or near tribal land. It will give a basic overview of the CERCLA process, including the designation of applicable or relevant and appropriate requirements (ARARS) based upon tribal laws and regulations. Participants also will learn about practical issues, such as working with legal counsel and EPA and the types of issues that may arise in the Superfund remedial process. Examples of tribal involvement in Superfund site remediation will be provided.

**Presenters:** Jill Grant and Gussie Lord, Jill Grant & Associates, LLC

**Moderator:** Riley Smith, ITEP





# Detailed Agenda ~ Wednesday, August 16

1:30 pm - 3:00 pm ..... Breakout Sessions ..... 1:30 pm - 3:00 pm

## **Abandoned USTs on the Nez Perce Reservation AND Building Capacity for UST Compliance Assistance ~ Brady ~**

**Details:** The Nez Perce Tribe, LUST Assessment Program objectives are to identify, characterize, prioritize, and ultimately recommend properties for environmental cleanups. This is a sharing discussion about how the Tribal Response Program quest for information on long forgotten gas stations has been successful.

**Presenter:** Judy Goodson, Nez Perce Tribe

**Details:** A look at the Tribe's failed tank, a cautionary tale for documentation and the progress made in implementing a compliance assistance program.

**Presenter:** Mark Junker, Sac and Fox Nation of Missouri in Kansas and Missouri

**Moderator:** Victoria Flowers, Oneida Nation and TWRAP Steering Committee member

## **AIEO and Tribes Working Together to Improve Human Health and the Environment Priorities ~Tulsa Room B-1~**

**Details:** One of the most frequent questions AIEO gets in our meetings with tribal leaders, tribal representatives and tribal environmental and natural resource officials is: What does AIEO do and how does it benefit tribes? This session will cover AIEO from top to bottom. Representatives from AIEO and the National Tribal Caucus will discuss the many roles each plays and how their collaborative efforts lead to better protection of human health and the environment for tribes. The presentations from both the EPA and Tribal perspectives will provide TLEF participants with a comprehensive picture of AIEO, the EPA Tribal Program and the many layers of interaction that improve human health and the environments of tribes. There will be ample time allotted for folks to ask questions and explore the functions and roles of AIEO and tribes as co-regulators of Indian country.

**Presenters:** Panel Style Discussion with the NTC Chair and Staff from AIEO and EPA Tribal Programs

## **Leveraging Funding and Working on Large River Restoration Projects AND GIS Application for Drinking Water Protection ~Tulsa Room B-2~**

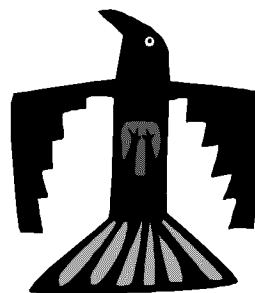
**Details:** This is a section suitable for all knowledge levels. This is looking at how to approach a large restoration project. This includes breaking the project in to manageable phases and finding ways to leverage money in those phases to assist in other phases.

**Presenter:** Emily Luscombe, Coyote Valley Band of Pomo Indians

**Details:** Publicly-Available GIS Application for Drinking Water Protection. Protection of surface and groundwater sources is an essential and cost-effective first line of defense in an integrated, multi-barrier approach to public health protection. It is far more effective and potentially cheaper to prevent or reduce contaminants at their source than it is to treat them at a public water system. A number of web-based GIS applications, data resources, and analytical tools are publicly-available for use by federal and state agencies, water utilities, and others to inform source water protection actions. This presentation describes the Drinking Water Mapping Application to Protect Source Waters (DWMAPS), and showcased how it can be applied to update source water assessments and protection plans, prepare utilities for emergency situations, and support partnerships efforts.

**Presenter:** Beth Hall, USEPA

**Moderator:** Cynthia Naha, Santo Domingo Tribe and TWRAP Steering Committee member



# Detailed Agenda ~ Wednesday, August 16



1:30 pm ~ 3:00 pm ..... 1:30 pm ~ 3:00 pm

## Exploring the Water Finance Clearinghouse ~Tulsa Room B-3~

**Details:** Communities need easy and efficient access to water infrastructure finance information. EPA's Water Infrastructure and Resiliency Finance Center has developed a "Water Finance Clearinghouse" to help community and utility leaders make informed decisions for their drinking water, wastewater, and stormwater infrastructure needs. The Clearinghouse allows users to search for available water funding sources (federal, state, foundation sources, etc.) and water financing resources (reports, case studies, training, and other tools) that can be used to access capital to meet water infrastructure needs. Topics such as state and federal funding, bonds, public-private partnerships, affordability, customer assistance programs, and other revenue generating financial approaches are included in the clearinghouse. Session attendees will have the opportunity to learn how to navigate the Clearinghouse and provide critical feedback for future improvements.

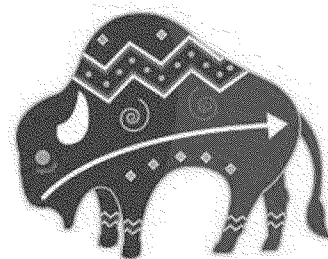
**Presenter:** Kristyn Abhold, USEPA

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## Meet Our Vendors! ~North Ballroom Gallery~

We want to give our vendors a very big thank you for attending this year's TLEF. The following groups and businesses will have tables set up in the North Ballroom Gallery throughout the TLEF, and many will also participate in the Multi Media Meetup.

- Oklahoma University –Tulsa College of Professional and Continuing Studies
- Native Hands
- Wind Environmental Services
- Prosper Sustainably
- US Department of Homeland Security
- Marie Nelson Jewelry
- National Indian Carbon Coalition
- Inter Tribal Council of Arizona, Inc.
- US Fish and Wildlife Service, Oklahoma Ecological Services
- University of Tulsa, College of Law
- Zender Environmental Health & Research Group
- RIDOLFI Environmental
- AWQMS/Gold Systems
- Emilio & Marguerite Chavez Jewelers
- TK Authentic Arts & Crafts
- Kansas State University—Tribal TAB Program
- Cassy's Arts and Crafts





# Detailed Agenda ~ Wednesday, August 16

3:30 pm ~ 5:00 pm ..... Multi Media Meetup..... 3:30 pm ~ 5:00 pm

Please join us in the Tulsa Ballroom for our Multi Media Meetup. This special networking and educational gathering will feature many of the vendors and exhibitors at this year's TLEF, as well as numerous special information tables, demonstrations, and poster presentations by your fellow attendees. This is an excellent opportunity to network with others as well as learn about some of the services, projects, and activities taking place around the country to help protect Tribal lands, waters, and communities. Following are just some of the tribes, agencies, and organizations who will be at this year's Multi Media Meetup:

Tribal Alliance for Pollinators  
Grey Snow Eagle House  
Tonkawa Tribe of Oklahoma  
National Tribal Toxics Council  
Pueblo of San Felipe  
Chickaloon Native Village  
Santo Domingo Tribe  
Oneida Nation  
American Samoa Environmental  
Protection Agency  
Oklahoma Conservation Commission  
National Tribal Water Center  
Campbell Environmental Group, Inc.  
AWQMS/ Gold Systems  
RIDOLFI Environmental

Zender Environmental Health & Research Group  
University of Tulsa College of Law  
USEPA SEE Program—Alaska  
Inter Tribal Council of Arizona, Inc.  
USEPA Office of Emergency Management  
US Government Accountability Office  
US Department of Homeland Security  
Prosper Sustainably  
Tribal FERST Demonstration (USET and USEPA)  
Kansas State University Tribal TAB  
USEPA Office of Land & Emergency Management  
USEPA's Sample UST Operator Exam  
Oklahoma University—Tulsa College of  
Professional & Continuing Studies

## **Tribal Listening Session:**

### **Proposal to Revise the Definition of Waters of the United States**

**~Tulsa B-2~**

***Please note this listening session takes place at the same time as the Multi Media Meetup***

EPA and the Department of Army are following a two-step rulemaking process to develop a revised definition of "waters of the United States." This action follows a February 2017 Presidential Executive Order directing the agencies to review and rescind or revise the 2015 Clean Water Rule, consistent with the principles that Justice Scalia outlined in the plurality opinion in the 2006 Supreme Court decision for *Rapanos*, indicating that Clean Water Act (CWA) jurisdiction includes relatively permanent waters and wetlands with a continuous surface connection to such waters. In step 1, the agencies plan to recodify the previous, longstanding regulatory definition of "waters of the U.S.," and in step 2, the agencies plan to propose a new definition that would replace the approach in the 2015 Clean Water Rule. The agencies are aware that the scope of CWA jurisdiction is of intense interest to many tribes and, therefore, want to provide time for appropriate consideration and deliberations on the ultimate regulation. Tribal staff and officials are invited to participate in this session to learn more about the agencies' actions and to provide feedback on how different rulemaking options might affect tribes



# Detailed Agenda ~ Thursday, August 17



8:30 am - 10:00 am ..... Breakout Sessions ..... 8:30 am - 10:00 am

## **Developing and Implementing a Successful Hazardous Waste Management Project Through the Hazardous Waste Management Grant Program**

~ Greenwood/Cherry Street~

**Details:** The Hazardous Waste Management Grant Program for Tribes provides financial assistance to tribal governments and tribal consortia for the development and implementation of hazardous waste programs; for building capacity to improve and maintain regulatory compliance; and for developing solutions to address improper management of hazardous waste on tribal lands. During this session, award winning grantees will provide an overview of their hazardous waste management projects, first-hand knowledge on how to write a successful hazardous waste grant application which will include the "dos and don'ts" of writing an awarding winning grant application, and how to incorporate hazardous waste into their integrated waste management programs. In addition, the grantees will discuss the challenges and lessons learned while addressing hazardous waste as well as developing and implementing a hazardous waste management program.

**Presenter:** Bobbie Anne Barnowsky, Native Village of Old Harbor; Kami Snowden, TSWAN

**Moderator:** Kim Katonica, USEPA

## **HazMat Spill Response at the Corner of TRP and OPA AND**

## **Tribal Emergency Response Application ~ Brookside/Blue Dome~**

**Details:** In Indian Country, medium-large scale spills of hazardous materials occur at the intersection of the Oil Pollution Act/CERCLA and 128(a) Tribal Response Programs. Federal, State and private sector spill response teams are ready to roll when the phone rings - this presentation will examine how a TRP can ensure they plug into time-critical response actions not merely as a observer but as a fully vested member of Unified Command.

**Presenter:** Don Hurst, Colville Confederated Tribes

**Details:** The Muscogee (Creek) Nation Geospatial Department received an EPA Exchange Network Grant to collaborate and work with other partner tribes to develop an Emergency Response Application. This application has a desktop and mobile component that is designed to document incidents within the field and assign resources to those incidents. Because tribal areas are located in rural locations, disconnected use and synchronization were important tools that were built into the application. Tribes can collaborate and share information across jurisdictions and can decide how that information is shared. This presentation will cover how this open source software application can be used by others and a demo will show how the application works.

**Presenters:** Frank Harjo, Muscogee (Creek) Nation

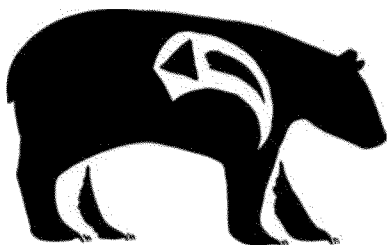
**Moderator:** Rebecca Stevens, Coeur d'Alene Tribe and TWRAP Steering Committee member

## **Remedial Strategies at the Tar Creek Superfund Site**

~ Uttica ~

**Details:** Several new remedial strategies have been implemented at the Tar Creek Superfund Site including soil amendment activities and a moving window approach for evaluating a more real ecological risk scenario. These new strategies are being tested against tried and true record of decision remedial strategies in hopes of having several alternatives in cleaning up these complex sites on a case-by-case basis.

**Presenters:** Tim Kent, Craig Kreman, and Summer King, Quapaw Tribe





# Detailed Agenda ~ Thursday, August 17

8:30 am ~ 10:00 am ..... Breakout Sessions ..... 8:30 am ~ 10:00 am

## What's New in Emerging Fuels: Corrosion Concerns and Compatibility Determinations

~ Brady ~

**Details:** Three topics will be covered in this session: corrosion concerns in submersible turbine sumps for USTs containing ethanol blends, corrosion taking place inside USTs containing diesel, and a how to exercise on what's needed to complete a compatibility determination for USTs storing biofuels. The target audience for this session will be tribal environmental officials and operators of USTs containing E10, diesel, and other biofuels. Those attending this session will receive the latest information on corrosion concerns and compatibility determinations.

**Presenters:** John LeBlanc, Red Lake Band of Chippewa Indians and Michael Pomes, USEPA Region 7

**Moderator:** Victoria Flowers, Oneida Nation and TWRAP Steering Committee member

## Tribal Exposure to Toxic Substances ~Tulsa Room B-2~

**Details:** This session will introduce the National Tribal Toxics Council, their report "Understanding Tribal Exposures to Toxics", the Toxic Substances Control Act, and EJ 2020 Lead Disparity Challenges.

**Presenters:** Dianne Barton, NTTC Chair, Columbia River Inter-Tribal Fisheries Commission; Fred Corey, NTTC Vice-Chair, Aroostook Band of Micmacs; Clifford Banuelos, Elko Band Council; Suzanne Fluharty, Yurok Tribe; Gary Hay, Chickaloon Village Traditional Council; Russell Hepfer, Lower Elwha Klallam Tribe; Jolene Keplin, Turtle Mountain Band of Chippewa Indians; Shavonne Smith, Shinnecock Indian Nation; Rebecca Stevens, Coeur d'Alene Tribe; Laurie Suter, Tohono O'odham Nation; Sharri Venno, Houlton Band of Maliseet Indians; Kelly Wright, Shoshone Bannock Tribes; Jubin Cheruvelil, Ex-Officio, Michigan State University; BJ Howerton, Ex-Officio, BIA; Doug Stevens, Salish Kootenai College

## Maximizing Sustainability and Profit: A Winning Combination at Tribal Casinos ~Tulsa Room B-1~

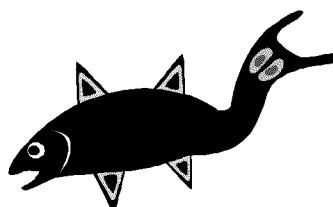
**Details:** Sustainable Materials Management (SMM) is a systemic approach to using and reusing materials more productively over their entire life cycles. In many cases, casinos are the largest waste generators and energy consumers in tribal communities. These establishments also offer many opportunities to operate more sustainably by reducing waste, saving energy and water, reducing toxic chemical usage and release, and saving money. Implementing green practices at tribal casinos, affiliated hotels, motels, resorts, and bingo halls provides environmental and economic benefits that support tribes towards achieving a more sustainable future that conserves natural resources. In this session, participants will hear from several Tribes about how they have put into practice the principles of SMM in their materials and waste management programs, what it takes to implement these practices, and the benefits to their community and the environment.

**Presenters:** Mark Funkhouser, Chumash Tribe; Jean McInnis, Mohegan Tribe; Kristina Torres, USEPA

## Managing Nonpoint Source Pollution: How to Get to A (Assessment) to B (Best Management Practices) ~Tulsa Room B-3~

**Details:** This session will highlight the role that the Clean Water Act Section 319 program can play in managing non-point source pollution on tribal lands. It will provide best practices and tribal case studies pertaining to three different phases in the development and implementation of a Tribal Nonpoint Source (NPS) program. Specifically, the session will help attendees answer the following questions: 1. When should my Tribe develop a NPS Program? 2. How can my Tribe use assessment information to target our water protection and restoration efforts? 3. What are some best practices in designing and implementing a NPS project?

**Presenters:** Allison Smart, Little River Band of Ottawa Indians; Britini Bauer, Kickapoo Tribe; Kelton Kersey, Pawnee Nation; Heather Duncan, Janette Marsh, and Steve Epting, USEPA



# ITEP's 25th Anniversary Celebration



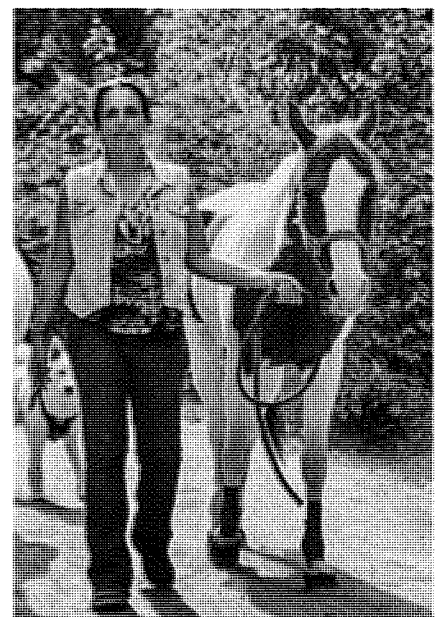
**September 11, 2017  
Northern Arizona University  
Flagstaff, Arizona**

Please Join ITEP, USEPA and NAU in celebrating 25 years of collaboration and service to tribal environmental programs!

Since 1992, ITEP, under a Memorandum of Understanding between USEPA and NAU, has committed itself to serving tribes through outstanding, culturally-relevant education and training programs that increase environmental capacity and strengthen sovereignty. ITEP's work throughout the years includes numerous projects and activities including work on air quality, solid and hazardous waste, climate change, emergency response, and educational outreach.

We will be celebrating with a special event the evening of September 11. We are pleased to announce that our honored guest and featured speaker will be **Winona LaDuke**.

For more information please call 928-523-9555 or visit our website at [www7.nau.edu/itep/main/Home/](http://www7.nau.edu/itep/main/Home/)





# Detailed Agenda ~ Thursday, August 17

10:30 am - 12:00 pm ..... Breakout Sessions ..... 10:30 am - 12:00 pm

## **Mother Earth Recycles: Because What You've Got is Not Waste** ~ Greenwood/Cherry Street ~

**Details:** Sustainable Materials Management (SMM) is a systemic approach to using and reusing materials more productively over their entire life cycles. Composting is one option in a materials management strategy to return essential materials to good use. Composting offers many benefits to the environment. Compost adds nutrients and organic matter back to soil, which benefits agriculture, reduces our reliance on synthetic fertilizers, diverts methane-producing organic materials from landfills, and improves soil's water retention capacity so you do not need to water as much. Composting can provide local jobs, be used locally, and is part of a closed-loop food system and well-rounded resource recovery program. This session will highlight successful community and commercial composting operations. Participants will learn from other Tribes what it takes to design and implement a composting program that is economically viable and supports the environment.

**Presenter:** Michael Northbird, Minnesota Chippewa Tribe; Stan Ellison, Shakopee Mdewakanton Sioux Community; Kristina Torres, USEPA

## **Financial Literacy** ~ Brookside/Blue Dome ~

**Details:** This course is about financial literacy. The course will cover: developing your budget, no cost extension, 50 % waiver, transferring funds within your budget. Indirect rates and hourly wages and invoice review and payment.

**Presenters:** Georgia Underwood and Cindy Marley, Penobscot Indian Nation; Glenn Daukas, Campbell Environmental; AmyJean McKeown, USEPA Region I

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## **A Coeur d'Alene Tribe Engineer's Perspective on Reservation Creosote Cleanup and Coordination AND Cultural Sensitivity to the Navajo People When Addressing Abandoned Uranium Mines Clean-Up** ~ Utica ~

**Details:** The St. Maries creosote site clean-up is located on the St. Joe River in St. Maries, ID within the Coeur d'Alene Reservation. The site consisted of a pole treatment creosote facility from approximately 1930 until 1960 when it became a pole storage facility. In the winter of 1998/1999 sheen was reported on the river at the site. This triggered an emergency response action followed by a clean-up investigation and action. The creosote contaminated the upland soils as well as migrating into the river sediments. During the process of investigation, a volunteer remediation party came on board to complete the sampling, design and construction of the site. Based on studies and findings, the proposed plan outlined actions to take place to clean-up the site. In 2014 construction began on the site to remove and remediate the creosote contamination. These activities included: In-situ stabilization, storm water pipe relocation, dredging of the river, and ex-situ thermal treatment of contaminated soils. There have been many lessons learned through this project. Ms. Raskell and Ms. Laija will touch on the history of the site, changes to the ROD, design of the site, construction activities and lessons learned from this project. This project can showcase how Tribes can effectively coordinate with USEPA on Superfund sites.

**Presenters:** Sandra Raskell, Coeur d'Alene Tribe and Emerald Laija, USEPA

**Details:** Diné cultural sensitivity is vital for promoting outreach on risk and health to our people. Navajo Nation Superfund Program can achieve their goals by respecting cultural beliefs, values and speaking in the Navajo language during outreach and community involvement planning. In many cases, when conversing with the community members, their choice of words and speaking may be slower, so not interrupting and letting them finish their comments are important. Non-verbal communication also plays an important role when conducting outreach to Navajo people. Diné Fundamental Law is a guiding principles in the Navajo Nation Code for all involved in the uranium clean-up work, including the newly formation of the Diné Uranium Remediation Advisory Commission. Cultural sensitivity involves the land, water, air, plants and animals which all hold great importance and a holistic notion to the people. Presently, American history has affected Navajos people into evolving and adapting to the changes in the environment, specifically abandon uranium mine and its clean-up.

**Presenter:** Vivian Craig and Darlene Jenkins, Navajo Nation Superfund Program

**Moderator:** Rebecca Stevens, Coeur d'Alene Tribe and TWRAP Steering Committee member

# Detailed Agenda ~ Thursday, August 17



10:30 am - 12:00 pm ..... Breakout Sessions ..... 10:30 am - 12:00 pm

## Advanced Tools and Strategies to Develop Conceptual Site Models for Effective Remediation

~ Brady ~

**Details:** Conceptual Site Models (CSMs) are a key component of the investigation and remediation process for a variety of regulatory frameworks. This session will highlight cost effective and scalable tools and strategies for developing robust, CSMs for small to large, complex Leaking Underground Storage Tanks (LUST) sites. Using case studies, research, and technical support examples from a variety of cleanup programs, the concepts of high resolution site characterization (HRSC) and CSM lifecycle updates will be introduced to Tribal environmental professionals

**Presenter:** Stephen Dyment, USEPA, Region 8

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## Benefits of Meaningful Public Engagement in Tribal Environmental Programs—A Panel Discussion

~ Tulsa Room B-I ~

**Details:** Federal environmental laws call for opportunities for the public to participate in the development and administration of federal/federally-authorized environmental programs. In recent years, partly due to the EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples and the identification of meaningful public engagement programs as a core capacity for federally-authorized tribal environmental programs, more tribes have been enhancing their public participation and community engagement processes and procedures. This panel will discuss how enhanced tribal meaningful public engagement processes and procedure and collaborations with community-based organizations have resulted in better tribal solutions for environmental and public health protection on tribal lands. Participants will hear how two tribes created effective meaningful public engagement processes and established collaborations with indigenous community-based organizations to improve the environment and public health on their tribal lands. They will also discuss some of the challenges and offer suggestions for how to enhance the usefulness and benefits of meaningfully engaging the public and collaborating with community-based organizations. In addition, participants will hear from two tribal/indigenous community-based organizations on their experiences working with their respective tribal government's environmental program and suggestions for how tribal governments can effectively and meaningfully engage and collaborate with community-based organizations. This session will provide practical advice and recommendations that tribes can use to meet a core capacity for federally authorized environmental programs.

**Presenters:** Danny Gogal, USEPA Office of Environmental Justice





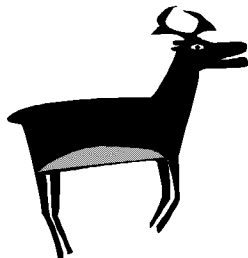
# Detailed Agenda ~ Thursday, August 17

10:30 am - 12:00 pm ..... Breakout Sessions ..... 10:30 am - 12:00 pm

## **E-Enterprise—Collaborative Environmental Leadership** ~ Tulsa Room B-2 ~

**Details:** *E-Enterprise for the Environment* puts into practice a collaborative approach among Tribes, States, Territories, and U.S. EPA to accelerate the development, implementation, and improvement of environmental and public health protection programs. E-Enterprise uses innovative strategies, process streamlining, and technological solutions to deliver better environmental results, often with lower costs and less burden, for the benefit of the public, the regulated community, and co-regulators. The session includes: an update on shared governance for E-Enterprise where Tribes, States and EPA have equal membership on an executive leadership council; updates on existing projects including the Tribal Water Quality Roadmap and the Assessment TMDL Tracking and Implementation System (ATTAINS); and a round-table discussion.

**Presenters:** Micco Emarthla, Seneca-Cayuga Nation; Scott Thompson, Oklahoma Department of Environmental Quality; Andy Battin, USEPA



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## **Integrating Art and Culture Into Water Infrastructure Sustainability: Key Insights From the Water Is Life Project AND Green Building in Gila River Indian Community** ~ Tulsa Room B-3 ~

**Details:** Clean water is key to public health, yet the infrastructure that delivers clean water and wastewater service is not glamorous and is often overlooked. In small, rural communities such as those commonly inhabited in Indian Country, water infrastructure faces unique barriers to sustainability. Rural utilities often find it particularly challenging to generate sufficient revenue to cover recurrent system costs due to smaller economies of scale. The Water is Life project is a collaborative outreach project that incorporates art and culture to address such issues and improve sustainable access to safe water. The project has the following objectives: 1. Increase knowledge and behavior that optimizes health benefits of clean water use. 2. Improve sustainability of local water infrastructure (ex: increased customer satisfaction, improved financial planning and/or billing, increased sense of confident ownership of system amongst leadership). 3. Preserve and share local water cultural knowledge. In this project, art, in the form of large scale public murals, serves as an exciting tool to engage the wider community in the conversation surrounding water. As a professional Native artist creates a mural representative of the community's traditional ties to water, educational activities, many also rooted in art and culture, are offered to community members as part of a Water Week celebration. The activities are tailored to local water culture and sustainability needs. This presentation will summarize the project and insight gained through pilot runs in three communities.

**Presenter:** James Temte, National Tribal Water Center/ Alaska Native Tribal Health Consortium

**Details:** Tribes – America's first green builders – are using innovative, affordable, culturally appropriate green building approaches where state and local codes don't apply. The Gila River Indian Community and U.S. EPA will share information on: • The benefits of tribal green building, • GRIC's adoption of building codes that are more stringent than the State of Arizona's energy codes, • GRIC's LEED Certified green buildings projects, and • EPA's Tribal Green Building Toolkit. Participants will learn about the tremendous environmental and health impacts of buildings, free tools available to support tribal green building, and inspiring tribal green building projects and policies. No prior knowledge or skills are required.

**Presenter:** Althea Walker, Gila River Indian Community and Sebastian Beshk, USEPA Region 9

**Moderator:** Rob Roy, La Jolla Band of Luiseno Indians and TWRAP Steering Committee member

# Detailed Agenda ~ Thursday, August 17



1:30 pm - 3:00 pm ..... Breakout Sessions ..... 1:30 pm - 3:00 pm

## **Developing a Zero Waste Vision and Strategy AND**

### **Planning and Designing Community Engagement Approaches for Tribal Integrated Waste Management Programs** ~ Greenwood/Cherry Street ~

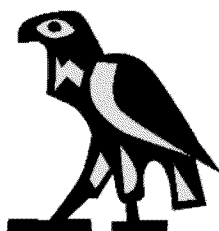
**Details:** Creating a compelling, culturally appropriate approach to zero waste can help tribal communities move from managing waste to a more holistic approach of sustainable materials management. The Gila River Indian Community will share their zero waste vision and experience in developing a zero waste plan. Participants will gain ideas of how to approach implementing zero waste in their communities and get a first look at an EPA developed template for zero waste elements that can be easily incorporated into tribal Integrated Solid Waste Management plans.

**Presenters:** Althea Walker, Gila River Indian Community and Sebastian Beshk, USEPA Region 9

**Details:** It is difficult to create and implement an integrated waste management program or project without outside assistance and support from the tribal community. This issue was analyzed, and in Fall 2016, the Infrastructure Task Force (ITF) Waste Programs Sub-workgroup released a tool entitled the Community Engagement Strategy, which provides a resource for tribal environmental professionals to address barriers, which may exist within their communities, to successfully implement a tribal integrated waste management program (IWMP). This session will dive deep into the Community Engagement Strategy, and provide tribal environmental professionals the resources they need to empower community members, and keep them informed and part of the solutions to address waste management. By integrating your tribal members, including tribal governments, youth, and elders, into the implementation of your IWMP, your tribal community is one step closer to deliver a sustaining program.

**Presenter:** Kami Snowden, TSWAN and Jessica Snyder, USEPA

**Moderator:** Virginia LeClere, Prairie Band Potawatomi Nation and TWRAP Steering Committee vice chair



## **USEPA Regions 1 and 2 Tribal Brownfields Priorities** ~ Brookside/Blue Dome ~

**Details:** Learn how the tribes in EPA Regions 1 and 2 are administering their Brownfields Programs. How they are determining their priorities, what type of sites are they focusing on, and how are they finding additional funding to meet their objectives.

**Presenters:** Georgia Underwood, Penobscot Indian Nation; Dale Mitchell, Passamaquoddy Tribe; Rich Campbell and Aaron Brignull Campbell Environmental

## **The Importance of Adequate Financial Responsibility: A Focus on Private Insurance and State Funds AND**

### **Informal Q&A Discussion About the UST Program** ~ Brady ~

**Details:** Proper financial assurance continues to be one of the most challenging compliance issues for the UST program in Indian country. This session will include a discussion on how tribal environmental professionals can feel reassured that owners and operators have adequate financial assurance to address UST releases and cleanups. It will review acceptable financial insurance options and their pros and cons, and what to look for in a financial assurance document, such as an insurance policy to ensure that you have the coverage that you need. The session will also include discussion of some current issues including, challenges getting coverage for older tank systems and what types of policies give coverage and at what prices.

**Presenter:** Mark Barolo, USEPA

**Details:** For those interested in the UST Program, this session is an opportunity to build on any issues that came up during the Forum, ask questions, engage fellow attendees, and have an informal, interactive discussion about the UST Program.

**Moderators:** John LeBlanc, Red Lake Band of Chippewa and Mark Barolo and Judy Barrows, USEPA



# Detailed Agenda ~ Thursday, August 17

1:30 pm - 3:00 pm ..... Breakout Sessions ..... 1:30 pm - 3:00 pm

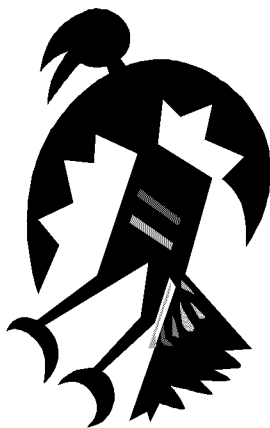
## State and Tribal Perspectives on ANCSA Contaminated Lands

~ Utica ~

**Details:** In 1971 the Alaska Native Claims Settlement Act (ANCSA) was signed into law to address long standing issues surrounding aboriginal land claims in Alaska. The Act provided Alaska Natives with 44 million acres of land and a cash settlement of \$963 million, unfortunately some of transferred land contained contamination which poses a significant threat to human health and the environment in Alaska Native communities. The recent 2016 Bureau of Land Management (BLM) Report to Congress provides the most comprehensive inventory of contaminated lands transferred under ANCSA. State, Federal, and Tribal organizations have opened a dialogue to discuss this inventory, and are dedicated to working towards a solution. This session will discuss ANCSA contaminated lands from the State and Tribal perspective, highlight recent efforts, challenges, next steps, and some of the resources that may be able to provide some assistance.

**Presenters:** Joy Britt, Alaska Native Tribal Health Consortium and Christy Howard, Alaska Department of Environmental Conservation

**Moderator:** Ann Wyatt, Klawock Native Village and TWRAP Steering Committee member



## Tribal Food Systems: Taking Care of the Land, Water, and Community

~ Tulsa Room B-I ~

**Details:** This session will include a history of two tribal food systems. Topics will include a discussion on food sovereignty, traditional agriculture, and tribal food economies, seed saving, soil science, pollinator conservation, season extension, food preservation, and marketing. Participants will learn the process of beginning and maintaining a tribal food system; collaborating with outside agencies and landowners to assist with equipment, supplies, conservation practices, and educating producers and beginning farmers. Participants will learn how growing food ultimately takes care of the land, water and community. Participants will sample local and traditionally harvested foods. Participants can choose to bring open pollinated/heirloom seeds for trade or local traditional foods to share and/or trade.

**Presenters:** Nikki Crowe, Fond du Lac Tribal College's 13 Moons and Bimaaji'idiwin Ojibwe Garden Program; Shannon Judd, Fond du Lac Band of Lake Superior Chippewa; Jeff Mears, Oneida Nation

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# Detailed Agenda ~ Thursday, August 17



1:30 pm ~ 3:00 pm ..... Breakout Sessions ..... 1:30 pm ~ 3:00 pm

## **Building Tribal Capacity for Data Management and Exchange**

~ Tulsa Room B-2 ~

**Details:** This session will discuss how tribal environmental data management activities can be reinforced and enhanced through participation in the Exchange Network, a valuable resource for tribes looking to expand their environmental management capabilities. Presenters will provide an overview of the Exchange Network, including funding opportunities, project examples and useful resources for tribes.

**Presenter:** Lydia Scheer, ITEP; Lynn Capuano, Exchange Network and E-Enterprise

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## **Building Tribal Drinking Water and Wastewater Infrastructure Systems with USEPA's Drinking Water and Clean Water Tribal Set-Aside Programs: A History, How to Apply for Funds, and Future Outlooks**

**AND**

## **ITCA Tribal Operator Certification Program Overview and Updates**

~ Tulsa Room B-3 ~

**Details:** The session will walk through a short history of program achievements and share some online resources. We will then talk about how an individual tribal utility can apply for funds by either working with their local Indian Health Service (IHS) Area office or responding to Regional solicitations. Community water systems and non-profit, non-community water systems that serve a tribal population are eligible to have projects funded, in whole or in part, with DWIG-TSA funds. To be considered for CWISA program funding, tribes must identify their wastewater needs to the IHS Sanitation Deficiency System. EPA uses the IHS Sanitation Deficiency System priority lists to identify and select projects for CWISA program funding. Ranking factors include health impact, existing deficiency level, previous service, capital cost, operations and maintenance capability, financial contributions from the community, local tribal priority, and local conditions. The session will conclude with a discussion about recent changes to the programs and the future outlook. Through EPA funding, investments in tribal water and wastewater infrastructure protect communities and the societal and cultural values of water resources and improves ecosystem health. Improved wastewater infrastructure protects and restores water quality, thereby reducing the risk of infectious disease morbidity and mortality in Indian Country.

**Presenter:** Matthew Richardson, USEPA

**Details:** The National Tribal Water & Wastewater Operator Certification Program at the Inter Tribal Council of Arizona, Inc. (ITCA) serves to meet the needs of drinking water and wastewater operators working on Tribal lands and to provide a jurisdictionally-correct alternative to state certification programs. The ITCA is a U.S. EPA-approved provider of certification services under the U.S. EPA Tribal Drinking Water Operator Certification Program Guidelines and makes its services available to all Tribal water and wastewater system operators working in Indian Country. This session will provide an overview and update of training and certification services provided by ITCA.

**Presenters:** Brian Bennon and Quansee Oosahwe, Inter Tribal Council of Arizona

**Moderator:** Arvind Patel, Pueblo of Acoma and TWRAP Steering Committee chair



## Closing Plenary ~ Thursday, August 17

3:30 pm - 5:00 pm ..... Closing Plenary ..... 3:30 pm - 5:00 pm

### **Closing Plenary: Tulsa Ballroom 3:30 pm - 5:00 pm**

SPECIAL PRESENTATION BY THE IOWA TRIBE'S GREY SNOW  
EAGLE HOUSE RAPTOR REHABILITATION PROGRAM

FINAL RAFFLE

Thank you all for joining us at this seventh TLEF. We hope your experience was filled with beneficial conversations, and useful information, and that you return home with some new ideas and inspiration. We wish you all safe and pleasant travels.

### **Meet Your OnSite ITEP Staff**

All of us at ITEP want to thank you for your attendance and participation in the Tribal Lands and Environment Forum. We hope you find it useful in your ongoing work protecting tribal lands, water, and people.



Ann Marie Chischilly, Executive Director

Todd Barnell, Program Manager  
John Mead, Program Coordinator Sr.  
Riley Smith, Research Assistant  
Lydia Scheer, Air Quality Program Manager  
Ty Jones, Application Systems Analyst

Julie Jurkowski, Program Coordinator Sr.  
Jennifer Williams, Program Coordinator Sr.  
Melinda Yaiva, Accountant  
Nikki Cooley, Climate Change Co-Manager

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Prosper Sustainably offers a wide range of consulting, legal, and training services. Since 2014, Prosper Sustainably has assisted over a hundred tribes and other organizations on wide variety of projects and trainings. In our work with clients, we always seek to build capacity, increase self-sufficiency, and develop lasting solutions.

*Prosper Sustainably's clients have included: Pala Band of Mission Indians, Yavapai Apache Nation, USEPA American Indian Environmental Office (subcontracted by Syststalex), Washoe Tribe, Santa Rosa Band of Cahuilla Indians, Kickapoo Tribe of Kansas, Tachi Yokut Tribe, San Pasqual Band of Mission Indians, Institute for Tribal Environmental Professionals, Buena Vista Rancheria of Me Wuk Indians, Owens Valley Indian Water Commission, Intertribal Council of Arizona, La Jolla Band of Luiseno Indians, Rincon Band of Luiseno Indians, Chemehuevi Indian Tribe, Cabazon Band of Mission Indians, Morongo Band of Mission Indians, Bear River Band of Rohnerville Rancheria, Native Village of Nuiqsut, Susanville Indian Rancheria, Reno Sparks Indian Colony, Scotts Valley Pomo, Tetlin Village Council, Pueblo of Isleta, Pauma Band of Mission Indians, and White Mountain Apache Tribe.*

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## Save the Date for the 2018 TLEF

Next year the  
Tribal Lands and Environment Forum  
will take place August 13-16, 2018  
In Spokane, Washington

More details will be coming soon.  
We hope to see you there!



## Speaker Bios

**Abhold, Kristyn.** Kristyn Abhold is a Financial Analyst with EPA's Water Infrastructure and Resiliency Center, where she helps manage WaterCARE, a financial technical assistance project, organizes regional Finance Forums, and leads the Center's efforts in conservation financing. Kristyn has considerable experience in the urban water policy arena. As the former Vice President of the US Water Alliance she directed projects and programs that brought together diverse stakeholders to advance urban water sustainability through collaboration. Kristyn also has experience working on western water issues. She consulted with EPA Region 9 on opportunities and barriers to co-digestion at wastewater utilities. She also consulted with the Union of Concerned Scientists and the California Water Foundation to develop a set of recommendations on the implementation of California's 2014 Sustainable Groundwater Management Act. Kristyn has a Master of Public Policy degree from the Goldman School of Public Policy at the University of California, Berkeley and a Bachelor of Economics and Environmental Studies from the University of California, Santa Cruz.

**Anderson, Dale.** Mr. Anderson has served as an Environmental Health Specialist for GRIC DEQ since 2009. He previously served with the Arizona DEQ, with over 20 years as manager of the Hazardous Waste Inspections, Emergency Response, and Pollution Prevention units. He has conducted hundreds of hazardous waste inspections, emergency responses and enforcement investigations.

**Arce, Michael.** Mike is a Natural Resource Technician for the Oneida Environmental, Health and Safety Division since 2012. He is a licensed Remote Pilot Operator and uses the sUAS or "drone" for invasive species monitoring, wetland restoration projects, and mapping.

**Barnell, Todd.** Todd joined ITEP in 2002, after stints in climate change, forest ecology, and public relations for an opera theater. He manages TWRAP and TSWEAP activities for ITEP. When not working with his excellent team at ITEP, and terrific Tribal colleagues, you can find him gardening, birding, or with his nose stuck in a book.

**Barnowsky, Bobbi Anne.** Ms. Barnowsky is the Program Coordinator for the Tribal Solid Waste Advisory Network. She served the Alutiiq Tribe of Old Harbor as their Tribal Administrator for 5 years and as one of Alaska's Region X RTOC representative. As the former Old Harbor Environmental Director, she led her community to be a model class III Landfill as well as instituted an Air Quality Program and Tribal Emergency Response Team. She served two years as an AmeriCorps RAVEN member working with youth and community members in Old Harbor focused on increasing volunteering and fostering youth involvement through environmental

awareness and projects. As a veteran teacher and elder advocate, she has vast experience working with youth and elders of varying cultures. Working together with the youth and elders to bridge the gap between them has common concerns. Ms. Barnowsky currently holds a Master's degree from University of Alaska Southeast and San Jose State University. She was awarded the Alaska Forum on the Environment Environmental Excellence Award and led her community to receive the Alaska Tribal Environmental Management Community Environmental Excellence Award. She was recently awarded the 1<sup>st</sup> Ladies Volunteer of Year Awards for the State of Alaska. Currently, she is using her knowledge and experience to write tribal grants for new and innovative ideas for tribes in need.

**Barolo, Mark.** Mark is the Deputy Director of EPA's Office of Underground Storage Tanks (OUST), which is responsible for implementing the national UST/LUST program to prevent and clean up UST releases. OUST works closely with its tribal, state, and industry partners to develop practical solutions to the ever-evolving program challenges and opportunities. Mark has worked in OUST since 1993 in a variety of capacities and appreciates the opportunity to talk with and learn from tribal partners and other professionals in the industry.

**Barrows, Judy.** Judy Barrows has worked in USEPA's Office of Underground Storage Tanks (OUST) in various capacities including as a senior policy analyst, program manager and advisor on budget, communication, program management, leaking underground storage tank cleanup, and Indian country issues. Currently, Ms. Barrows is OUST's Tribal Team Leader and welcomes all opportunities to collaborate on ways to improve the UST Program.

**Battin, Andy.** Mr. Battin is the Director of the E-Enterprise for the Environment at the U.S. Environmental Protection Agency in Washington, DC. He is a member of the Senior Executive Service and has over 28 years of information technology experience. Previously he was the Director of EPA's Office of Information Collection where his responsibilities included the National Environmental Information Exchange Network, EPA's Central Data Exchange, as well as EPA's Records, FOIA, eDiscovery and Privacy Programs. He has a Bachelor's degree in Geo-environmental Studies from Shippensburg University of Pennsylvania, and a Chief Information Officer (CIO) certificate from the National Defense University.

**Bauer, Britini.** Britini Bauer is the Water Quality Monitoring Specialist for the Kickapoo Tribe in Kansas. She holds a Bachelor's of Science in Environmental Studies from the University of Kansas. She currently oversees the Clean Water Act Section 106 Water Quality Monitoring Program and is the GIS Specialist for the Kickapoo Tribe.



**Begay, Brenda P.** Ms. Begay is a member of the White Mountain Apache Tribe who is striving to "Keep Apache Land Beautiful." She has been work with the Environmental Protection Office since 2001 as the program manager. She is familiar with the Cleanup grant and has overseen a Brownfields grant which was utilized to cleanup a site on her reservation.

**Bennon, Brian.** Brian is the Director of the Tribal Water Department at the Inter Tribal Council of Arizona, Inc. (ITCA). He oversees ITCA's Tribal Water & Wastewater Operator Certification Program and the ITCA Tribal Compliance Assistance Program, as well as secures continued grant funding for those programs. Brian holds a Bachelor's of Science degree in Hydrology & Water Resources from the University of Arizona. He has worked directly for tribes in managing and protecting Tribal water resources for over 20 years.

**Beshk, Sebastian.** Mr. Beshk works in EPA's Region 9 office in the Office of Pollution Prevention, and Tribal Solid Waste. He has training, and project management work in the field of Community-Based Social Marketing specifically working with California and Arizona tribes on effective outreach around zero waste initiatives. He is the solid waste liaison for Arizona tribes, and one of the region 9 contacts for tribes interested in pollution prevention work. Before joining the EPA Sebastian was a Peace Corps Volunteer in Gambia, West Africa.

**Besougloff, Jeff.** Jeff Besougloff is the Senior Advisor for the Policy and Communications Team at EPA's American Indian Environmental Office. Before joining EPA in 2000, he worked from 1992-2000 as the Director of Environmental Programs for the Upper Sioux and Lower Sioux Indian Communities in Minnesota. With the tribes, Jeff was responsible for a broad range of environmental capacity building and program implementation activities including administering federally delegated lead-based paint programs, water and wastewater infrastructure development, wetlands programs, and an energy efficiency and wind power program. At EPA he works under EPA's 1984 Indian Policy and AIEO's Mission Statement to ensure that EPA services and resources are available to tribes to meet joint EPA and tribal priorities. Jeff also has five years of experience practicing law in Washington DC.

**Brignull, Aaron.** Mr. Brignull is an Environmental Scientist for Campbell Environmental Group and has been working with tribal partners since 2007. He has experience in a variety of environmental projects including assisting on more than 50 Brownfields Sites in the State of Maine. He regularly conducts Phase I and II Environmental Site Assessments, develops quality assurance project plans, and prepares technical reports. He has worked closely with the Passamaquoddy Tribe to develop, support, and perpetuate both their 128(a) Tribal Response

Grants and 104(k) Hazardous Substance Grants.

**Britt, Joy.** Joy Britt is the Alaska Native Tribal Health Consortium's Brownfields /Tribal Response Program Manager. In this role, she leads the support of identification, remediation and prevention of contaminated sites in Alaska. Joy holds a Master in Public Health Practice, a Bachelor of Science in Biology and a minor in Chemistry. Joy is passionate about preserving the environment and the environmental links to better public health, as well as promoting equal access to healthcare. Joy is from the island of Guam in the Northern Marianas. She enjoys all outdoor activities and eating outrageous foods.

**Brown, Levi.** Mr. Brown has 11 years of experience working on many issues within Indian country including: Environmental permitting (NEPA), right of way, civil regulatory jurisdiction Environmental Justice and partnership building. He was born and raised on the Leech Lake Indian Reservation and is an enrolled member. He also was educated at Minnesota State University of Mankato. Mr. Brown has been an invited presenter for; U.S. Forest service, MN DOT on civil regulatory issues within Indian Country, State of Minnesota Tribal Relation training, U.S. EPA revisiting 1984 Indian Policy and has done many smaller presentations for other government entities.

**Bulgrin, Scott.** Mr. Bulgrin works for the Pueblo of Sandia Environment Department as their Water Quality Manager. Scott has worked for the Pueblo of Sandia for the past 17 years. He has been involved with various environmental activities which include: surface water quality monitoring, water quality standards, endangered species surveys, biological and vegetative surveys, NPDES permits, compliance and enforcement Mr. Bulgrin has Federal Credentials under the CWA, storm water issues, Rio Grande Bosque restoration, wetland restoration, other water quality issues, and a variety of environmental activities (USTs, illegal dumping, recycling, and air).

**Burnette, Marco J.** Mr. Burnette is the Environmental Assistant and has been with the Environmental Protection Office since 2014. He has gained a lot of knowledge by working with his colleagues as he works under the 128a grant.

**Camilli, Geraldine. P.E.** Geraldine Camilli is an Environmental Engineer with over 15 years of professional experience and has worked on water and wastewater infrastructure projects, funding, and sustainability. She has led prior workshops in this series for the USEPA.

**Campbell, Rich.** A Geologist for Campbell Environmental Group, Rich has supported Brownfields programs in tribal communities in EPA Regions 1, 2, 4, 5, 8, and 10. Has been conducting environmental investigation and remedial projects since 1988.



## Speaker Bios

**Carroll, Ann.** Ann Carroll has worked for over 30 years on environmental and public health protection including contaminated site cleanup, risk communication and lead poisoning prevention here and abroad. Since 2002, Ann has been with the US EPA Office of Brownfields and Land Revitalization in Washington DC working on contaminant specific issues, public health, research and training, health improvement through revitalization, and as liaison with EPA and other health programs. Ann began her career with EPA New England's Office of Underground Storage Tanks in 1989 and served as Lead (Pb) Coordinator until 1996 before leaving EPA to support lead poisoning prevention activities in Australia, India, Indonesia and elsewhere. Ann has a BS in biology (Va Tech), an MPH in environmental health (BU) and is a doctoral candidate in Environmental Health Sciences and Policy at the Johns Hopkins University, Bloomberg School of Public Health. Ann's only pets at present are her worms but she is happy to be followed by robins as she gardens.

**Chavez, Margaret.** Margaret Chavez is from Santo Domingo Pueblo, one of nineteen in New Mexico. She is a graduate of the University of New Mexico with a Bachelor of Business Administration. She has been working in the environmental field for over 20 years starting with the Superfund Program as the Community Relations Coordinator. Over the years she has worked in various capacities including Solid Waste, Brownfields, Superfund, Pesticides, and Hazardous Waste but her passion is working with tribal governments and tribal communities. She enjoys interacting with youth and talking with the elders. Under the Eight Northern Indian Pueblos Council, Inc. she helps organize and coordinate the annual Tribal Youth Environmental Summer Camp for high school students. She leads many solid waste efforts (trainings, events, projects) amongst New Mexico pueblos and tribes.

**Chischilly, Ann Marie.** Ann Marie is the Executive Director of ITEP, and serves on a variety of boards and commissions, including the Indian Law Section Executive Board of the Arizona State Bar, First Stewards on Climate Change Founding Board, and Federal Advisory Committee on Climate Change and Natural Resources Science. Prior to coming to ITEP she served as the Senior Assistant General Counsel to the Gila River Indian Community, where she assisted the Community in implementing the historic Arizona Water Settlement Act and founded the Gila River Indian Community Renewable Energy Team. Ms. Chischilly is an enrolled member of the Navajo Nation (Diné). She earned her Juris Doctorate (J.D.) degree from St. Mary's University School of Law and a Masters in Environmental Law (LL.M) from Vermont Law School.

**Collins, Douglas E.** Mr. Collins is currently employed as a Chemical Security Inspector for Infrastructure Protection at

the Department of Homeland Security (DHS). In this capacity he serves as a technical authority and subject matter expert on the Chemical Facility Anti-terrorism Standards regulation. He is responsible for providing advice and counsel to industry facilities, corporations and governmental entities in the Department of Homeland Security. He has extensive experience in reviewing and applying governmental regulations, conducting stakeholder outreach visits, industry presentations, regulatory inspections, physical security assessments and reviews. Additionally he is an authority on writing and evaluating site security plans, alternate security plans, security vulnerability assessments and evaluations of regulated high-risk chemical facilities. In 2010 he was certified through the government as a hazmat technician. Prior to this current position his experience includes: 6 years as a Transportation Security Inspector with TSA (aviation, rail & cargo), 2 years as a Transportation Security Screening Supervisor and 4 years as a Bomb Appraisal Officer. He has taught classes on x-ray interpretation, explosive trace detection and search techniques along with IED recognition to thousands of security and law enforcement personnel. He has over 12 years as a Law Enforcement patrol officer in Oklahoma including 6 years at University of Oklahoma Police Department, 3 years on the Oklahoma County Bomb Squad. Mr. Collins also spent 4 years in the US Army as an Explosive Ordnance Disposal Technician and 11 years in the Oklahoma National Guard as an infantry squad leader. As an EOD technician he was considered an integral part of the US Secret Service dignitary protection division utilizing his expert knowledge of improvised explosive devices search techniques including K-9 operations. His formal education includes having a B.S. in Criminal Justice Management and Ethics from Mid-American Christian University and an A.A.S. in Police Science from Oklahoma State University.

**Cooley, Nikki:** Nikki is the co-manager for ITEP's Tribal Climate Change Program. She is of the Diné Nation by way of Shonto and Blue Gap, AZ, and is of the Towering House Clan, born for the Reed People Clan, maternal grandfathers are of the Water that Flows Together Clan, and paternal grandfathers are of the Manygoats Clan. Her undergraduate and Masters studies includes extensive work with the Cherokee Tribe of North Carolina, and has worked with various tribes including the Kaibab Paiute tribe. Nikki's current work takes her all over the United States working with regional, national, tribal and federal partners to address climate change impacts on tribal culture and resources.

**Craig, Vivian.** Vivian works for the Navajo Nation Superfund program as an environmental specialist.

**Dailey, Anne.** Anne Dailey is a senior environmental scientist with the US Environmental Protection Agency (EPA) Office of



Superfund Remediation and Technology Innovation. Anne serves as an OSRTI Superfund Tribal Coordinator and works with the Tribal Superfund Working Group. Anne also works on Superfund climate change issues, groundwater challenges and is the Superfund Completions Coordinator. Prior to joining EPA Headquarters six years ago, Anne worked for more than 20 years in EPA Region 10 (Seattle) in both the Superfund and Water programs. In Region 10, she was a Superfund Remedial Project Manager for more than a decade and worked on a broad array of remediation challenges. Anne has a Bachelor of Science in Geology and a Master's of Science in Oceanography from the University of Washington.

**Davis, Patrick.** Patrick Davis joined the U.S. Environmental Protection Agency (EPA) in January 2017 as part of the "beach head" team, and became the Deputy Assistant Administrator for the Office of Land and Emergency Management (OLEM) in May 2017. OLEM provides policy, guidance, and direction for the Agency's emergency response and waste programs. Prior to coming to EPA, Mr. Davis served as the Colorado Senior Advisor to the Donald Trump for President campaign. In January 2005, Mr. Davis founded Patrick Davis Consulting, LLC, a firm dedicated to serving candidates, campaigns, corporations, and clients in the areas of public affairs, political consulting, strategy and public relations. Mr. Davis served as the Executive Director of the South Dakota Republican Party from 1995 to 1999. During the 1992 Bush-Quayle Presidential campaign, he served as the field desk coordinator for eleven northwestern states, and in 1990, Mr. Davis served as the Assistant to the Deputy Director of White House Political Affairs in the George Bush "41" administration. Outside of work, Patrick is a fly fisherman and enjoys spending time with his family in Colorado.

**Daukas, Glenn.** Glenn Daukas is an environmental contractor for Penobscot Indian Nation.

**Diefendorf, Sarah.** Sarah is the Executive Director of the Environmental Finance Center West, housed at Earth Island Institute in Berkeley, California. She has founded and managed numerous nonprofit organizations throughout her career and has specialized in building financial, communications and leadership capacity in the US and abroad. For the past three years Sarah has worked as a national trainer for USEPA and has delivered Leadership Through Communications workshops for small water systems for rural communities and Tribes throughout the US. Sarah also has over ten years of experience working with multiple Tribes in California, Nevada, Arizona and New Mexico to support efforts to develop greener economies and self-sufficiency through recycling programs, transfer stations, compost operations, ecotourism and alternative energy.

Sarah is an Expert Witness for the USEPA National Environmental Finance Advisory Board, serves on the Board of the California League of Women Voters, is the immediate past chair of the Carbon Cycle Institute and holds a BA in International Relations from San Francisco State University and an MS in Environmental Geography from Cambridge University.

**Duncan, Heather.** Ms. Duncan is the Tribal Water Quality Coordinator for EPA Region 7. Since 2011, she has worked with Region 7's tribal partners to develop and enhance their water quality monitoring and nonpoint source programs. Prior to working in tribal water quality programs, Heather spent time with Region 7's pesticides program and was the co-chair of Region 7's Agriculture Team. Outside of work, Heather identifies herself as a wife, a mom, an Iowa farm girl, and a graduate of Iowa State University (2006, B.S. Public Service and Administration in Agriculture - Agricultural Meteorology).

**Dyment, Stephen.** Stephen Dyment is a chemist with more than 20 years of experience including 4 years in a commercial analytical laboratory and 8 years in environmental consulting. He joined EPA in 2005 with a focus towards enhancing acceptance and use of emerging analytical technologies and sampling strategies. His perspective draws upon years of practical laboratory and field experience to apply EPA's Triad approach and associated best practices at sites in Superfund, Brownfields, RCRA, UST and State programs. Mr. Dyment's efforts have resulted in the development of numerous EPA case studies, profiles, and training courses that outline successful strategies for the use and understanding of high resolution/ collaborative data sets, adaptive QC programs, and real time analytics. He provides direct project support for sites in Superfund, RCRA, and Brownfields, conducts research on issues of national significance while connecting regional research needs with national ORD expertise, and teaches classes on sampling design, x-ray fluorescence, high resolution site characterization, 3D visualization and other technical subjects. Mr. Dyment holds a B.S. in Environmental Science/Toxicology from the University of Massachusetts at Amherst.

**Ebbert, Laura.** Laura Ebbert is the Tribal Program Manager for USEPA Region 9, covering the Pacific Southwest and serving 148 federally recognized tribes. Her team worked with tribes across the nation to develop the Tribal Green Building Toolkit and with Gila River Indian Community to learn from and share their outstanding green building practices.

**Emarthla, Micco.** Mr. Emarthla is the Environmental Specialist for the Seneca-Cayuga Nation, and has worked under the CLWA Section 106 program for the past 9 years. He feels lucky to spend his days completing field data collection, laboratory testing, data analysis, and subsequent reporting, while



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assisting in other environmental programs from recycling to lead based paint risk assessment. He has built the Nation's Water Quality Program from humble beginnings into one of the more advanced tribal programs in Region 6, while trying to assist other tribes in the region along the way. These efforts led to his proposal for tribal report standardization, and electronic reporting to EPA through the Assessment TMDL Tracking and Implementation System (ATTAINS). In addition, he serves on the RYOC for Region 6, the National Tribal Water Council, and as the current Tribal Co-chair of the E-Enterprise Leadership Council. He attended Oklahoma State and has degrees in Electrical Engineering and Computer Science.

**Epting, Steve.** Steve Epting is the national coordinator for the Tribal Clean Water Act (CWA) Section 319 Nonpoint Source (NPS) Program, based at EPA Headquarters in Washington, DC. Steve also works in EPA's Healthy Watersheds Program. Prior to his current position, Steve spent three years in EPA's National NPS Program, where he worked primarily with states and EPA regional offices to track and publish stories on the successful restorations of NPS-impaired waterbodies. Steve has a M.S. from University of Maryland, where he conducted research on wetland hydrology.

**Flowers, Victoria.** Ms. Flowers has worked for the Oneida Nation since August of 2004, as an Environmental Specialist in the Brownfield Program developing an Environmental Response Program using Brownfield 128(a) grant funding, an Underground Storage Tank Compliance Assistance Program, and an environmental database that tracks various activities associated with tribal and federal funding. She has also provided input into a national measures workgroup for Brownfields, assisted in the development of peer to peer training materials for both Brownfields and underground storage tanks, and is a National Steering Committee member for the Tribal Waste and Response Assistance Program.

**French, Harrell.** Harrell graduated with a Bachelor of Science Degree in Business Management from Murray State University in 1973. He worked for over 12 years as a Vice President of two different banks prior to starting computer Software Company that marketed accounting systems to banks the company developed. Prior to joining USET he worked in the computer industry. Upon joining USET he oversaw the automation of Tribal Law Enforcement and Tribal Court records on a centralized computer system. He then worked as a Senior Project Coordinator on a project with FEMA's National Integration Center. He currently divides his time between a project with the Alabama Fire College's Tribal Educational Outreach Program and the EPA's Tribal-FERST web-based information and mapping tool designed to provide Tribes with easy

access to the best available human health and ecological science. He currently serves as a member of FirstNet's Tribal Working Group which is helping to oversee the development nation's first high-speed, nationwide wireless broadband network dedicated to public safety, and he also serves as a member of the Region IV Public Health Training Center Steering Committee that operates out of Emory University in Atlanta.

**Gaughen, Shasta.** Shasta Gaughen is the Environmental Director and the Tribal Historic Preservation Officer for the Pala Band of Mission Indians in Pala, CA. She has worked for the Pala Band since January 2005. She also teaches in the Anthropology Department at California State University San Marcos. Dr. Gaughen received her PhD in Anthropology from the University of New Mexico in 2011. She is Secretary of the Board for the Native American Environmental Protection Coalition, a member of the advisory board for the Climate Science Alliance - South Coast, and board member of the Upper San Luis Rey Resource Conservation District. Dr. Gaughen has made presentations on cultural and environmental topics for the Navy, Border Patrol, California Indian Legal Association, San Diego County Archaeological Society, California Mission Indian Association, and many other private and public organizations.

**Gogal, Daniel.** Mr. Gogal is a Senior Environmental Protection Specialist with the U.S. EPA, Office of Environmental Justice (OEJ), where he has served since June 1992. Mr. Gogal has a public policy, environmental policy, and public administration background. He is the Tribal and Indigenous Peoples Program Manager for OEJ and has been working on tribal and indigenous peoples' environmental policy and environmental justice issues for over 29 years. He also serves as EPA's Lead for International Human Rights Agreements, and has worked in various capacities for the Agency's environmental justice program over the past 24 years. In addition, Mr. Gogal and his wife enjoy the experiences and dynamics of raising six children.

**Goldfarb, Eugene.** Mr. Goldfarb is a TAB partner (with KSU) and retired from a 30-year career with HUD in 2004. He has managed courses for UIC-Chicago, UCLA, Johns Hopkins, USEPA, Native Learning Center, and others. Eugene was named HUD's "brownfield guru" by Planning magazine in 2002 and was one of the principal architects of USEPA/HUD's 5 day "Nuts & Bolts of Brownfield Redevelopment" course that ran in late 90's thru 2000's.

**Goodson, Judy.** Ms. Goodson possess a BAS from Lewis Clark State College majoring in Civil Engineering with a minor in Geographic Information Science and is a licensed Land Surveyor in Training. She currently works for the Nez Perce Tribe under the Tribal Response Program providing field and office support to multiple programs. She has another twelve years of





field and office experience performing under Professional Engineers and Professional Land Surveyors. In her spare time, she sews quilts, rides her horses and grows a large garden.

**Gorini, Kelly.** Kelly Gorini is the Assessment, Cleanup, and Redevelopment Exchange System (ACRES) Lead for the Office of Brownfields and Land Revitalization (OBLR). Kelly came to OBLR after 3 years at EPA's Region 9 Office in San Francisco, where she was a RCRA State Project Officer. Prior to that she was part of EPA's Pollution Prevention Division, where her work focused on environmentally preferable products. Kelly has a Bachelors in Environmental Biology from the University of Dayton, and a Masters of Public Affairs in Environmental and Natural Resource Management from Indiana University's School of Public and Environmental Affairs. Kelly and her husband recently rescued a new dog, Mia the Mastiff, and are enjoying being first time dog owners.

**Grant, Jill.** Ms. Grant is the founding member of Jill Grant & Associates, LLC in Washington, D.C. Her work focuses on the development, implementation, and enforcement of tribal environmental laws and programs and associated administrative and appellate litigation. She has assisted tribes with obtaining "treatment as a state" and primacy for many tribal environmental programs, including the first delegated Clean Air Act Title V permit program and the first public water systems supervision program. She also works with tribes to obtain proper remediation at various leaking storage tank sites and Superfund sites. Ms. Grant previously worked in the Office of General Counsel at EPA, where she was on the team that drafted the Clean Air Act Amendments of 1990 and assisted in developing the acid rain program. Ms. Grant earned her JD from Harvard Law School and her BA from Yale College.

**Grayson, Treda.** Ms. Grayson is an Environmental Protection Specialist on the Tribal Capacity Development Team in the American Indian Environmental Office (AIEO) at US EPA Headquarters. Her primary duty is to support tribes in developing environmental capacity through the administration of the Indian Environmental General Assistance (GAP). Before joining AIEO in 2015, she led the National Coastal Condition Assessment, as well as provided technical support to states, tribes, and other entities to develop and adopt biological, nutrient and aquatic life criteria for water quality standards development, in the Office of Water. Treda holds a B.S. degree in Marine Science from Coastal Carolina University, an M.S. in Environmental Sciences and Policy from Johns Hopkins University, and is a Ph.D. candidate in Environmental Science and Public Policy at George Mason University.

**Hall, Beth.** Beth Hall is a member of EPA's Office of Ground Water and Drinking Water.

**Harjo, Frank.** Mr. Harjo is the GIS Manager for Muscogee (Creek) Nation, the 4th largest tribe in the Nation. Frank has been with the tribe since 2009 and participates on various workgroups/committees to promote tribal issues. He has over 14 years of experience working with GIS and GPS technology. He holds a Bachelor of Science and Master of Science degrees as well as being a Certified GIS Professional.

**Hartnett, Mickey.** Kansas State University Technical Assistance to Tribal Brownfields (KSU-TAB) partner to provide assistance to tribes on 128(a) Tribal Response Programs and other brownfield issues. Served as a Brownfields and solid waste tribal circuit rider for the US EPA Region 8 from 2004 to 2014. Prior experience includes 25 years with the US EPA in the hazardous wastes, Superfund and Brownfields programs to include enforcement and compliance actions, hazardous waste facility permitting and major remediation projects of large contaminated facilities. He has diverse and extensive experience in assessment, remediation and redevelopment/reuse of contaminated sites and properties, including Brownfields and Superfund Sites. A graduate of the University of Florida with a B.S.E. in Environmental Engineering.

**Henry, Mike.** Mike works in the Tohono O'odham Nation Environmental Protection Office.

**Heppner, Alex.** Alex Heppner is the User Support & Data Migration Manager for Gold Systems, Inc. Alex has a BS in Environmental Science and years of sampling experience as a staff scientist in his home state of Pennsylvania. Over the past 4 years, Mr. Heppner has facilitated the migration of millions of records to WQX for various States, Tribes, and Volunteer Groups from all over the country.

**Hovis, Jennifer.** Jennifer currently serves as Chief of the Construction and Post Construction Management Branch (CPCMB) within the Superfund Program at EPA Headquarters. She has more than 19 years of experience in the Superfund program, spanning all areas of the pipeline as well as key support functions. CPCMB is responsible for implementation and oversight of remedial design, remedial action, post construction site management, Five Year Reviews and ultimately deletion from the National Priorities List. Prior to her current position, Jen oversaw data and records management efforts for Superfund, and worked in the site assessment and NPL listing phases of the program. Jen holds a degree in Geography from The George Washington University and lives in Alexandria, VA with her husband.

**Howard, Christy.** Ms. Howard joined the Alaska Department of Environmental Conservation Brownfields team in 2015. She works to increase education and awareness of brownfields, with a focus on outreach to



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Alaska's 28 EPA Tribal Response programs, federally recognized tribes, and Native Corporations. She oversees DEC's Brownfields Assessment & Cleanup (DBAC) service which provides assistance with assessment & cleanup of brownfields sites. Her background includes environmental consulting and laboratory analysis for a variety of clients in the cruise ship, mining, and waste water industry. She is from, and lives in Juneau, Alaska.

**Hurst, Don.** Don Hurst, Toxics Cleanup Program Manager for the Environmental Trust Department of the Colville Confederated Tribes. Environmental consultant 1984-2004; CCT TRP Manager 2005-present. Mr. Hurst works and resides on the 1.4 million- acre Colville Reservation in north central Washington. Bs, Ms Geology, University of Wyoming.

**Irwin, Raymond.** Raymond is a GIS developer. He has been with the Muscogee (Creek) Nation GIS department for 2 years. He has 22 years of development and IT experience in all aspects of the industry. He has worked on aircraft routing and engineering systems, Travelocity's tokenized security system, early interactive voice response systems and ACA conversions for the State of Ohio and Alabama. He is a licensed small Unmanned Aircraft pilot under FAA Part 107 and pilots drones for the GIS department. He has a BS from Oklahoma State University and attended graduate school at Tulsa University in Applied Mathematics. In his spare time he likes road cycling, trail running, hiking, hitting the gym, reading and writing poetry and literature and spending time with his family.

**Jacobson, Ted.** Ted Jacobson has been in the Solid Waste Industry for over 30 years, for the last ten he has worked in conjunction with the EPA in Rural Alaska Villages. Ted is a trainer in best management practices focusing on solid and hazardous waste management. Ted's current leadership positions include: A Chairmanship of the Training Committee of the Alaska Chapter of SWANA; he is a Member of the Alaska Association of Environmental Professionals, and; sits on the executive committee of the Solid Waste Alaska Taskforce.

**Jenkins, Darlene.** Darlene works for the Navajo Nation Superfund program as a GIS analyst.

**Jojola, Theodore, PhD.** Ted Jojola is a Distinguished Professor and Regents' Professor in the Community & Regional Planning Program, School of Architecture + Planning, University of New Mexico (UNM).

**Junker, Mark.** Mr. Junker has been the Brownfields 128(a) Tribal Response Coordinator for the Sac and Fox Nation for three years.

**Jurkowski, Julie.** Julie joined ITEP in 2014 and works as a Program Coordinator Senior on both TWRAP and TSWEAP activities. In addition to helping design and deliver the TLEF she conducts training courses, coordinates onsite mentor matches, assists the Tribal Superfund Working Group and TWRAP Steering Committee, and provides direct technical assistance to tribal professionals around the country. Prior to joining ITEP Julie worked on renewable energy policy, climate change, and green building projects, as well as being a back-packing guide.

**Kent, Tim.** Mr. Kent is a Professional Geologist and has over 15 years working with the Quapaw Tribe as their Environmental Director and Remedial Project Manager on the Tar Creek Superfund Site.

**Kersey, Kelton.** Kelton Kersey is the Environmental Specialist and Conservation Officer for the Pawnee Nation Department of Environmental Conservation and Safety for the last 13 plus years. Along with other duties, Kelton also coordinates the Pawnee Nation's Nonpoint Source Pollution Program by developing their Assessment and Management Plan. He also developed the Black Bear Creek Management Plan. In this role, Kelton enforces Pawnee Nation environmental and wildlife laws as well as manages the tasks of the Nonpoint Source Pollution program since the Tribe first received NPS funding in 2007.

**King, Summer.** Ms. King as an Environmental Scientist and provides essential quality control, sampling and analysis duties to the Tar Creek Superfund Site Remedial Action activities for the Quapaw Tribe. Worked more than 13 years for the United Keetoowah Band of Cherokees prior to joining the Quapaw Tribe Environmental Office.

**Kreman, Craig.** Mr. Kreman is an Environmental Engineer and provides project management and engineering duties to the Tar Creek Superfund Site Remedial Action activities for the Quapaw Tribe.

**Kriebs, Georja.** Ms. Kriebs is a Tribal Response Program Technician for the Ponca Tribe of Nebraska (PTN), in there Environmental Department out of there Lincoln office. She has been working for the PTN since October 2016. Prior from working for PTN she worked for Sac and Fox Nation of MO in KS and NE in there water division and her degree is in Wildlife Conservation and Management from Missouri Western State University.

**LeBlanc, John.** John LeBlanc is Red Lake's Environmental Program Director and has been working for the Red Lake



Band of Chippewa Indians since 2010. He is responsible for managing the GAP, Tribal Response 128(a) and Underground Storage Tanks DITCA grants. John is a federally credentialed UST inspector and he conducts compliance assistance visits as well as UST inspections on behalf of the USEPA. He works with Red Lake, three other Minnesota Tribes, and will soon be working with six Wisconsin Tribes as well on UST compliance. John continues work on development and enhancements of environmental regulations specific to the needs and concerns of the Red Lake Band for adoption into Red Lake Nation Tribal Law.

**Leven, Blasé.** Mr. Leven is the Coordinator of the KSU Technical Assistance to Brownfields (TAB) Programs, and has been the lead for development, upgrades and maintenance of BIT. He has worked with TAB since 1997, and with BIT and the precursor to BIT (piloted an EPA Region 8 MS Access application) beginning in 2004. He has assisted many users and given many workshops on BIT, is a licensed Professional Geologist, and has Masters and Bachelors degrees in Geology.

**Lindeman, Eric.** Mr. Lindeman has worked for a national environmental consulting firm for the past 25 years as an instructor, project manager, and regional health and safety coordinator. He has worked on several Federal contracts to help manage hazardous material emergencies and clean-ups. Between 1999-2010, Lindeman was the project manager for several state clients, training over 1500 law enforcement and other first responders in the Midwest on how to manage responses to and clean-up of methamphetamine labs. Lindeman has been involved for over 25 years with a fire protection district just outside of Kansas City, Missouri, as a training and fire officer. He was also an adjunct instructor for the University of Missouri, Fire and Rescue Training Institute teaching field programs and helping to manage annual fire schools as the safety officer. He is a licensed dentist in the state of Missouri where he practiced for about ten years. In 2010 he transferred to the Seattle office of the environmental consulting firm to support the Seattle Region 10 EPA/Superfund Technical Assistance and Response Team (START).

**Lloyd, David R.** David Lloyd is the Director of the Office of Brownfields & Land Revitalization in the EPA Office of Solid Waste and Emergency Response. David assumed this position in January of 2006 after holding a variety of positions in the areas of private and Government legal practice, real estate development and operations. David received his undergraduate degree in English Literature from the George Washington University in 1985, and a law degree from Washington and Lee University in 1988. David is a proud citizen of the Cherokee Nation and lives with assorted large, hungry pets in

Lexington, Virginia and Washington, DC.

**Long, Richard.** Rick Long is Executive Vice President and General Counsel of the Petroleum Equipment Institute (PEI). Rick also serves as Editor-in-Chief of the TulsaLetter and the PEI Journal. He is a member of the NFPA (National Fire Protection Association) Technical Committee on Vehicular Alternative Fuels. Prior to joining PEI in 2009 as General Manager and Associate General Counsel, Rick owned and operated a Tulsa-based firm that provided marketing, communications and strategic services for leading for-profit organizations and non-profit associations, including PEI. During his career, he has written hundreds of articles advising large and small businesses on management, marketing, legal issues and technical matters. Rick earned a Bachelor's of Science degree, with high honors, from Southern Methodist University, where he was inducted into Phi Beta Kappa. He received his Juris Doctorate degree, with honors, from the University of Texas in Austin. Before entering the world of communications and association management, Rick practiced law in Tulsa.

**Lord, Gussie.** Ms. Lord is a senior associate with Jill Grant & Associates, LLC in Washington, D.C. Ms. Lord works with tribes on environmental and administrative issues, including: code and policy development; solid and hazardous waste management and cleanup; protection of tribal water and air; Treatment as a State; tribal housing development and management; jurisdiction and other sovereignty issues; and tribal cultural resource protection. Ms. Lord earned her JD from the University of Michigan Law School and her BA from the Virginia Military Institute and is a member of the Oneida Nation of Wisconsin.

**Luscombe, Emily.** Emily Luscombe is the Environmental Director at Coyote Valley Band of Pomo Indians in Redwood Valley, CA. She graduated from Connecticut College with a BA in Environmental Studies and Anthropology and Flinders University of South Australia with a Masters in Environmental Management. Emily has worked in a variety of environmental media and is currently focusing much of her attention of the River bank stabilization and restoration project. This has led to exploration on restoration options and funding.

**Marley, Cindy.** Cindy Marley is the Finance Coordinator for the Penobscot Indian Nation.

**Marsh, Janette.** Ms. Marsh has worked for EPA for more than 25 years and is currently Region 5's Tribal 319 Coordinator. She also works on state 319 programs and is a member of the region's Clean Water Act/Safe Drinking Water Act Integration team. Janette enjoys vacationing in Wisconsin's northwoods where she can listen to loons



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on the lake.

**Martin, Rebecca.** Rebecca Martin is the ENIPC Program Manager for the National UST Compliance Assistance and Training Support in Indian Country Grant. Ms. Martin is originally from New Mexico, and has recently worked in California as a Geographic Information Systems Technician for Apple. Ms. Martin has a Bachelors of Science in Geography and will be completing a Masters of Applied Geography from New Mexico State University.

**Matheson, Caj.** Mr. Matheson is the Cultural Resources Protection Manager for the Coeur d'Alene Tribe. He is a Coeur d'Alene Tribal member from the Turtle Clan. He manages multiple cultural resource mitigation efforts through cultural revitalization efforts. He is also the Communications Specialist for the Coeur d'Alene Basin Natural Resource Trustees and represents the Coeur d'Alene Tribe as an alternate on the Basin Environmental Improvement Project Commission that oversees remedy and restoration in the Bunker Hill Superfund site. Caj received his bachelor's degree in Organizational Sciences with a minor in Business through the University of Idaho.

**McInnis, Jean.** Jean McInnis is the Environmental Protection Administrator for the Mohegan Tribe of Indians of Connecticut since October of 2005. She holds a Master's degree in Environmental Engineering Technologies from the University of New Haven, a Bachelor's degree in Environmental Horticulture from the University of Connecticut, College of Agriculture and Natural Resources and is a Certified Hazardous Materials Manager as of June 2005. Ms. McInnis has a diverse work background in industrial manufacturing as an Environmental, Health and Safety Specialist for approximately 20 years for various organizations. Ms. McInnis has also worked as General Manager for a Connecticut municipality for 5 years and as an environmental consultant for two different consulting firms for a total of 5 years.

**McKeown, AmyJean.** AmyJean McKeown, EPA tribal lead for Region I.

**Mitchell, Dale.** Mr. Mitchell is the Passamaquoddy Pleasant Point Tribal Brownfields Coordinator. He is responsible for managing the Tribes I28 (a) Tribal Response Grant as well as the I04 (k) Community Wide Assessment Grants. Mr. Mitchell is committed to keeping the natural resources a part of the Tribes Cultural right to use and respect. Mr. Mitchell was the former Water Resources Specialist monitoring the coastal waters for red tide.

**Mix, Rudy.** Mr. Mix is the Waste Program Manager for the Gila River Indian Community, Department of Environmental Quality. In his 19 years with DEQ, he has conducted a wide variety of waste program activities, including performing hazardous and solid waste inspections, overseeing site clean ups, providing technical assistance to regulated businesses, developing program plans, and developing the GRIC waste ordinance and integrated waste management plan.

**Moore, Glenn.** Glenn A. Moore serves as the US Department of Homeland Security's Protective Security Advisor (PSA) for the Oklahoma District. Mr. Moore supports homeland security efforts by assisting with the identification, assessment, monitoring, and minimizing the threat risk at the local level. As a PSA, Mr. Moore facilitates, coordinates, and performs vulnerability assessments for local infrastructure and assets, and acts as a physical and technical security advisor to Federal, state, and local law enforcement agencies.

**Naha, Cynthia.** Cynthia is an enrolled member of the Hopi Tribe and also comes from Tewa and Ihanktowan Dakota Oyate descent. She has been involved in Tribal Environmental Programs since 2005 when she started working for the Inter Tribal Council of Arizona (ITCA), Inc. Since then, Cynthia has worked in various fields, including: solid waste, recycling, emergency response and preparedness, water quality, climate change, and more. She has worked with a number of Tribes since leaving ITCA in 2008, including the Salt River Pima Maricopa Indian Community, Lone Pine Paiute Shoshone Reservation and a number of Pomo Indian Tribes in Northern California. Throughout the past 11-12 years, Cynthia has worked to build Tribal environmental capacity and seeks to ensure that the communities she works with and for, maintain a balance between environmental protection and public health and safety. She enjoys establishing partnerships with neighboring Tribes, Pueblos, Federal and State agencies and currently holds the Tribal Government seat on the New Mexico Recycling and Illegal Dumping Alliance. Cynthia was also just selected to participate on the National Tribal Waste and Response Steering Committee, which is a two year term and is set to begin in November 2016. She is a graduate of Arizona State University, where she obtained her BS in American Indian Studies. Since graduating from college in 2003, Cynthia has vowed to always work with and for Tribal Governments/Organizations in the area of environmental protection.

**Nelson, Mark. P.G.** Mark Nelson is an Environmental Engineer with over 25 years of Tribal and municipal water and wastewater planning and management experience. He has led 15 EPA sponsored water supply and wastewater management



workshops for Tribes and small communities across the country, and has worked with EPA and other federal agencies to streamline the funding of infrastructure projects for Tribes. At the local level he has mapped source water protection areas to protect drinking water supplies and planned for and permitted wastewater treatment facilities to protect ponds and coastal waters.

**Nichols, William (Nick).** Mr. Nichols has been with EPA Oil Program and Office of Emergency Management since 1996. He is the OEM Tribal and Environmental Justice Coordinator working closely with OSWER and external organization to ensure that OEM fulfills its responsibilities in Indian Country.

**Norton, Ken.** Mr. Norton, an enrolled member of the Hoopa Valley Tribe, is Director at Hoopa Valley Tribal Environmental Protection Agency. Ken has expertise in water quality and development of water quality standards, having worked in environmental protection since 1980. Over 37 years, Ken has worked as a fishery technician, fishery biologist, water quality coordinator and director at Hoopa Valley Environmental Department. His educational degree is a Bachelors of Science in Fishery Management. As a fisheries expert, Ken understands the water quality needs of healthy salmon and other river life, and is experienced in watershed restoration. As TEPA Director, Ken oversees an array of Tribal water programs and other tribal environmental programs (Superfund, brownfields, air, pesticides, lead poisoning prevention, and solid waste). Between 2004 and 2009, Ken had the honor to serve as Vice-Chair of the National Tribal Operations Committee and lead spoke person for Tribes on national Tribal/EPA water issues. Currently, Ken serves as the chair of the National Tribal Water Council and advocates for the health and sustainability of clean and safe water for Indian communities, Alaska Native Tribes and Alaska Native Villages.

**Oosahwe, Quannee.** Quannee Oosahwe is the Training and Certification Coordinator for the Tribal Water Department at the Inter Tribal Council of Arizona, Inc. (ITCA). She has been with the department for over three years. Quannee received her undergraduate degree in Anthropology from Arizona State University, and is an enrolled member of the United Keetoowah Band of Cherokee Indians.

**Parker, John T.** John T. Parker Born in Kansas City, Missouri October 10, 1974, he joined the U.S. Navy on July 25, 1995. After completing Recruit training at Great lakes, he reported to the Defense Photography "A" school in Pensacola, Florida. His first duty station was the USS Blue Ridge in Yokosuka, Japan where he spent four years working as the

ships primary aerial photographer as well as the photographer for the Commander of the 7th Fleet. He then received orders to Fleet Combat Camera Group Pacific (FCCGP) where he spent five years primarily deployed as a combat photographer with various Special Forces units he did four deployments to Iraq and various other places in throughout the world. He then reported to Naval Support Activity Naples where he served six months as the base Public Affairs Officer (PAO) and six months as the editor of the base newspaper. John was quickly hired for the Deputy Public Relations position with the Naval Facilities and Engineering Command (NAVFAC) Southeast at Naval Air Station Jacksonville, Florida. Here he worked as the deputy PAO as well as a videographer and commands photographer. After a short time John received the Social Media Producer and lead Photojournalist job for the Environmental Protection Agency's region 7 headquarters in Lenexa, Kansas.

**Perlman, Gary.** Captain Gary Perlman is an Environmental Health Officer with the U.S. Public Health Service currently working at ATSDR in Boston. Gary has been working in environmental health for 20 years. He provided environmental health support during the mustard agent incident in New Bedford, MA, and to residents of LA during the public health response shortly after Hurricane Katrina made landfall, focusing on the Murphy oil spill. He also has provided environmental health support on several occasions for large toxic fires or explosions. He provided the same support to the Group of 8 Summit in GA, the Democratic and Republican National Conventions, and several other National Special Security Events. He is currently working with the Penobscot Indian Nation to assess contaminant levels in food items in their traditional diet. He has assisted with developing several public health software tools to help first responders and other personnel assess chemical contamination throughout the United States, Canada, France, and Romania. Gary shared these software tools with Tribal attendees at the National Tribal Science Council, and the Yukon River Inter-Tribal Watershed. He incorporated some of their suggestions to enhance the tools.

**Perry, Annie.** Annie Perry is an attorney for the Port Gamble S'Klallam Tribe in Kingston, Washington. As a tribal attorney, her primary work is to research, write, update, and modify the tribe's law and order code to match the tribe's current legal system..

**Pomes, Michael L.** Michael L. Pomes works as a Physical Scientist in the Enforcement, Inspection, and Compliance Section of the Chemical and Oil Release Prevention Branch of the Air and Waste Management Division of EPA Region 7 in



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Lenexa, Kan. Before coming to EPA in September of 2010, he supervised the Preventative UST Unit of the Storage Tank Section at the Kansas Department of Health and Environment for 10 years that ran the permitting program for USTs and ASTs in Kansas. Michael received a Ph.D. in Geology from the University of Kansas, a M.S. degree in Geology from Fort Hays State University, Hays, Kan., and a B.S. degree in Geological Sciences from the University of Wisconsin-Milwaukee. He is a Kansas-Licensed Geologist, a NACE-Certified Cathodic Protection Technician, and a Cathodic Protection Tester certified by the Steel Tank Institute.

**Purpora, Stephen.** Mr. Stephen Purpora began his field experience in 1972 and has worked extensively in all areas of underground storage tank, line, and leak detector testing as well as vapor recovery and cathodic protection inspections. His experience includes over 25 years of field testing and consulting for the petroleum testing industry. Mr. Purpora currently travels extensively throughout the United States and internationally, training and certifying test technicians and regulatory personnel on the fundamental and practical applications of testing underground storage tanks, product piping, leak detectors and vapor recovery systems. Mr. Purpora serves on and provides technical advice for the Petroleum Equipment Institute's (PEI) committees on Recommended Practices on Installation and Testing of Stage I and Stage II Vapor Recovery and Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities. In addition he has served as a consultant for the EPA for the upcoming rule changes. He is President of Protanic, Inc. and Purpora Engineering, Inc. and resides in Grafton, Wisconsin.

**Raskell, Sandra. P.E.** Ms. Raskell is the project engineer for the Coeur d'Alene Tribe Fisheries and Lake Management Departments. Since joining the Tribe in 2009, Sandra became the Tribe's project manager for the St. Maries Creosote Site in St. Maries, ID. As a licensed professional engineer her other job duties include surveying, engineer designs, construction oversight and performance, conducts monthly Trail of the Coeur d'Alene inspections, works with EPA and other agencies in the Silver Valley Superfund clean-up, assists in education and outreach activities, participates in SEEP (Stormwater Erosion and Education Program), and performs other duties as needed. Prior to 2009, Sandra spent 10 years working as an engineer for Washington State Department of Transportation, City of Spokane Valley, a private engineering firm, and Idaho Transportation Department. Sandra is glad to be in the environmental engineering field again at the Tribe. Sandra graduated with a B.S. in Civil Engineering (Bio-Resources) from Montana State University. Sandra lives in Spokane Valley with her husband, 7

children and 2 grandchildren.

**Renteria, George.** George Renteria is a Management and Program Analyst with the Emergency Services Sector-Specific Agency (ES SSA) within the U.S. Department of Homeland Security (DHS) Office of Infrastructure Protection. He has a well-rounded background in critical infrastructure protection and is a certified Project Manager. His experience includes support and development of DHS critical infrastructure protection policies and programs, incident response and recovery plans, and emergency management operations. Mr. Renteria is a retired U.S. Navy Lieutenant Commander, where he served as a Special Operations Officer and Master Explosive Ordnance Disposal Technician. He and his wife currently live in Virginia with their three children.

**Reyher, Jennifer.** Ms. Reyher is a project development coordinator for the Muscogee (Creek) Nation. She works collaboratively with multiple stakeholders within the Tribal Nation to identify needs and solutions to support these needs. Mrs. Reyher actively coordinates with federal and state agencies to support tribal goals and objectives including EPA, HUD, ODEQ, and IHS.

**Richardson, Matthew.** Mr. Richardson is charged with providing guidance and coordinating within EPA and with other federal agencies to meet the federal government's commitment to increase access to safe waste water sanitation services for tribes and Alaskan native villages. He previously assisted with the implementation of EPA's Watersense program that promotes water efficiency by enhancing the market for water-efficient products. He was part of a team that significantly increased the number of local water utility partners and conducted extensive outreach that increased Watersense product market share. Mr. Richardson has firsthand knowledge of challenges faced by small, rural utility systems through his work experience as a Research Assistant for the Environmental Finance Center where he developed recommendations and tools for state and federal water infrastructure funding decision makers to maximize public investments. He holds Bachelor of Science in Environmental Chemistry from Saint Michael's College in Colchester, VT, a Professional Certificate in Environmental Compliance Auditing and Remediation Technologies from the University of California at Berkeley, and Master of Science in Environmental Engineering and Policy from the University of North Carolina in Chapel Hill School of Public Health.

**Roose, Rebecca.** Ms. Roose is the Senior Advisor for the Tribal Capacity Development Team in the American Indian Environmental Office (AIEO) at US EPA Headquarters. Her work includes administering the Indian Environmental General



Assistance Program (GAP). Prior to joining AIEO in 2017, Rebecca worked on Clean Water Act and Safe Drinking Water Act program development and implementation in EPA's Office of Enforcement and Compliance Assurance and the Office of Water. Before starting her EPA career in 2006, Rebecca was Staff Attorney and Program Director for Public Employees for Environmental Responsibility in Washington, D.C. Rebecca earned her law degree from the University of New Mexico and her bachelor's degree in Geography from Valparaiso University in Northwest Indiana.

**Roy, Rob.** Mr. Roy is the Environmental Director for the La Jolla Band of Luiseno Indians and has been employed by the Tribe for over 15 years. He is responsible for the Environmental Protection Office which employs a staff of seven people working on clean water, air quality, solid waste, wastewater, natural resources, and other critical environmental and human health issues. His education is in GIS and he previously worked for the City of San Diego Environmental Services Department. Rob received the EPA Environmental Achievement Award in 2008 for his work with solid waste management including recycling, reducing illegal dumping, hazardous and electronic waste recycling, tire cleanup, and disaster recovery. Rob works hard to foster collaboration between groups to achieve common goals and increase the scope and impact of projects. He is a member of the TWRAP steering committee, an RTOC rep and RTOC Solid Waste Workgroup lead, and team co-lead on the Interagency ITF Solid Waste Workgroup. Rob has a passion for the natural world and goes travelling, hiking and backpacking whenever he can.

**Ruge, Zoe.** Zoe is an ORISE research participant with the U.S. EPA Standards and Health Protection Division in the Office of Science and Technology, Office of Water. She is the tribal coordinator for the Office of Science and Technology, working on TAS for water quality standards (WQS) issues and the federal baseline WQS for reservation waters effort.

**Sabatino, Leonard.** Leonard Sabatino is originally from Philadelphia, Pennsylvania and received a bachelor's of science degree in the field of geo-environmental studies in 2001. In 2002, Mr. Sabatino received certification in permaculture design from La'akea farms on the Big Island of Hawaii. From 2003 through 2011, Mr. Sabatino worked at the Los Alamos National Laboratory in the fields of geology, environmental science, hazardous waste management, and geomorphology. Since June of 2012, Mr. Sabatino has been working for ENIPC on the UST Compliance Assistance Program for 21 NM pueblos and tribes for more than 45 UST facilities. Mr. Sabatino currently holds a certification with the Steel Tank Institute for UST Cathodic

Protection Testing.

**Saulters, Oral.** Oral Saulters, PhD Candidate, Tribal Environmental Policy & Decision Making, Site assessment and remediation, environmental policy and decision making models.

**Scheer, Lydia.** Lydia Scheer has worked with ITEP since July 1998, when she started out as a student assistant while completing her BA in Anthropology at NAU. She joined ITEP's regular staff in 1999 and is currently a Program Manager, responsible for coordinating the National Tribal Forum on Air Quality and supporting tribes with the National Environmental Information Exchange Network (NEIEN) effort, as well as being involved in collaborative planning efforts for various ITEP projects. In 2015, Lydia was awarded the Cal Seciwa Award for Outstanding Staff, presented by NAU's Commission on Native Americans.

**Shirley, Michaela Paulette.** Michaela (Diné), MCRP, is Water Edge clan, born for Bitter Water clan, her maternal grandpa is Salt clan, and her paternal grandpa is Coyote Pass clan.

**Sigmon, Mickey.** Mickey Sigmon joined the Sac and Fox Nation environmental department as the Water Quality Coordinator in January of 2016 and hit the ground running with the CWA 106 program. Mickey graduated from MWSU in 2013 with two Bachelor's degrees, one in biology with a botany emphasis and the other in wildlife conservation and management. Mrs. Sigmon worked for Diocese of Kansas City-St Joseph as the executive assistant for many years and decided to go to college pursuing a career in wildlife conservation after she became an empty nester. Mickey's caring personality and her compassion for the environment is an excellent foundation for all the work ahead of her.

**Simmons, Joshua.** Joshua Simmons, a consultant and attorney, founded Prosper Sustainably in May 2014 to assist tribal communities in the development and implementation of lasting solutions to meet environmental and sustainability needs. Through Prosper Sustainably, Josh has assisted and/or trained hundreds of tribes across the nation with preparing EPA-Tribal Environmental Plans (ETEPs), grant writing, solar and energy project planning, drafting Tribal Environmental Codes, preparing Integrated Waste Management Plans, climate change planning, strategic planning and management, and more. Prior to starting Prosper, Josh served as Environmental Director for the Santa Ynez Band of Chumash Indians. Under Josh's oversight from 2007 to 2014 the Santa Ynez Chumash Environmental Office (SYCEO) grew from 1 to 15+ employees, 2 to 20+ programs, and \$100,000 to \$1,000,000 in annual revenue. During that time, the Santa Ynez Chumash also became a nation-



## Speaker Bios

wide leader in sustainability and environmental stewardship.

**Smart, Allison.** Allison Smart is the Environmental Coordinator for the Little River Band of Ottawa Indians. She began working full-time for the Little River Band of Ottawa Indians in 2012 as an Aquatic/Fisheries Biologist and moved into the Environmental Coordinator position in 2015. Her experience includes working with wild rice, fisheries, GIS and on various USEPA funded programs including CWA 106, CWA 319, PPGs and IGAP. Allison is a member of the Sault Ste Marie Tribe of Chippewa Indians. She has a Bachelor's Degree in Biology and Anthropology from Albion College; Albion, MI and a Master's Degree in Conservation Biology from Central Michigan University.

**Snowden, Kami.** Ms. Snowden, Executive Director of the Tribal Solid Waste Advisory Network (TSWAN) has over 25 years of experience working in the environmental field, the last 17+ years directly for the TSWAN organization. Her experience includes technical aspects with operating and managing waste systems, providing education and outreach, developing programs and special projects, and grants management. Prior to working for the TSWAN organization Ms. Snowden was the director of the solid waste department in a rural county of Washington State overseeing environmental programs, landfill operations, and the construction and operation of transfer stations. During her current tenure with TSWAN, Ms. Snowden has developed many programs specific to tribes on a national basis serving on numerous federal tribal environmental committees, and her tenure also includes aiding tribe with the construction of a Tribal Integrated Waste Management Plan Template (and ancillary documents such as worker safety & health); unprecedented education and certification in Methamphetamine (and other clandestine) Lab recognition for tribal workers; Strategic Plans for Environmental Sustainability for Tribes (template); Various training venues for tribal environmental workers, et.al.

**Snyder, Jessica.** Ms. Snyder started as the Tribal Program Coordinator for EPA's Office of Land and Emergency Management in September 2015. In this role, she manages OLEM's Tribal Program, specifically, providing guidance and assistance on tribal related topics to the OLEM Assistance Administrator and senior management team. She ensures that OLEM implements EPA's Tribal Consultation Policy consistently, as well as serves as a liaison to EPA programs and federal agencies on cross-agency topics. Jessica also manages the tribal support grant with the Institute for Tribal Environmental Professionals. This grant administers the Tribal Waste and Response Assistance Program and the TLEF. Jessica started in the federal workforce in 2006; focusing primary on budget, priority setting

and planning within EPA. Prior to working at EPA, Jessica interned at EPA's Region 2 Environmental Finance Center at Syracuse University, while obtaining her Master's Degree in Public Administration from the Maxwell School at Syracuse University. She holds a Bachelor of Arts Degree in Sociology and Political Science from Villanova University. Jessica has 2 children, ages 5 and 3, and is happily married to a high school math teacher.

**Stevens, Rebecca.** Rebecca is the Program Manager for the Tribe's Lake Mgt. Department-Hazardous Waste Management Program. She also serves the role as the Restoration Coordinator with the Restoration Partnership. Rebecca has been working on water quality related issues for over 15 years and in 2009, she was co-author of the Coeur d'Alene Lake Management. Rebecca represents the Tribe in the Bunker Hill Mining and Metallurgical Superfund Site remedial work as well as the Natural Resources Damage Assessment case. She enjoys snowboarding, kayaking, frisbee golf, and spending time with her friends, family, and blue heeler. Rebecca is very honored to work for the Coeur d'Alene Tribe and is proud to be a part of restoring natural resources in the Coeur d'Alene Basin.

**Temte, James.** James is a member of the Northern Cheyenne Tribe and grew up in the Rocky Mountains living in Wyoming and Colorado. James joined the National Tribal Water Center in 2014 and now serves as the Director of the NTWC. James received his undergraduate degree in molecular biology and a minor in chemistry from Fort Lewis College and Masters of Science at the University of Alaska Anchorage in Applied Environmental Science and Technology. He served as the Director of the Alaska Tribal Conference on Environmental Management, the Vice Chair of the National Tribal Air Association and on the Board of Directors of the Climate Registry. He has a passion for public art, tribal sovereignty, self-determination, protecting the environment, and human health. James' interest in water and sanitation work focuses on human health, including affordable access to adequate and sustainable water and sanitation services. He loves to work with communities on multi-disciplinary teams to incorporate innovative health education techniques to inspire positive actions.

**Terry, Steve.** Steve graduated with a Bachelor of Science Degree from Texas A&M University in 1974. He worked as a Research Biologist for the University of Florida's School of Forest Resources & Conservation for 11 years, doing research studies and assisting in publishing the results with 30 papers and presentations to his credit. He received a Master of Science Degree from the University of Florida in 1985. He was the Land Resources Manager for the Miccosukee Tribe of Indians of Florida for over 25 years, where he administered the





Real Estate Services Department and oversaw EPA and other grants. USET acquired his services in 2011 as a Senior Project Coordinator in the Office of Environmental Resource Management, working on different projects. Steve has over 32 years of working with Tribes and Federal and State Agencies. He has been involved with Tribal water issues since he first started working in Indian Country. He was instrumental in the USET Certification Program receiving EPA approval to offer Drinking Water Operator Certifications to Tribes, making USET one of two Tribal organizations that are so authorized. He was the technical advisor to the National Tribal Water Council 2012 – 2016. He has received numerous awards and attended many conferences and training sessions. The major awards he has received includes the Michal A. Frost Award from the National Tribal Environmental Council for environmental leadership, the National Partnership for Reinventing Government from Vice-President Al Gore for the Peer Review Team, and Honors from Harvard University's Honoring Contributions in the Governance of American Indian Natives for the Miccosukee Section 404 Permitting Program.

**Thompson, Scott.** Mr. Thompson is the Executive Director of the Oklahoma Department of Environmental Quality. Thompson served as DEQ's Land Protection Division Director since 2000 where he was responsible for the management of multiple permitting and enforcement programs, environmental investigation, cleanup, and engineering design projects. He has also served as an environmental programs manager responsible for managing the agency's Superfund Program. He has more than 23 years of experience managing state environmental programs. Thompson is a 1984 graduate of Central State University with a degree in biology, and also has a master's degree in environmental science from the University of Oklahoma.

**Turner, LaDonna.** LaDonna is a Site Assessment Manager and the Superfund Tribal Coordinator for EPA in Region 6. She worked in the RCRA Enforcement Program for 5 years and then moved on to the Superfund Division where she has been for the past 25 years. As the Region 6 Superfund Tribal Coordinator she has assisted and supported her Tribal partners for more than 20 years. LaDonna has been involved in regional/national Tribal workgroups and activities. She has been involved in the legacy uranium issues within New Mexico since 2008 and its impacts on Tribal lands. LaDonna has a Bachelor of Arts and Science from Dallas Baptist University.

**Underwood, Georgia.** Georgia King Underwood is the Penobscot Indian Nation Tribal Response Coordinator. Ms. Underwood is responsible for managing the Tribes 128 (a) Tribal Response and 104 (k) Community Wide Assessment Grants. She has also partnered with other non-tribal Brownfields

grantees to bring a team approach to accomplish tribal goals of protecting the waters of the Penobscot River.

**Walker, Althea.** Althea Walker (Nez Perce, Hopi, and Gila River) is the Environmental Education & Outreach Specialist for the Gila River Indian Community Department of Environmental Quality. Althea is the lead for climate change adaptation planning in the Gila River Indian Community.

**Wright, Felicia.** Felicia Wright is the Deputy Office Director (and current Acting Director since Jan 2017) of EPA's American Indian Environmental Office, in the Office of International and Tribal Affairs, where she is responsible for working with tribal governments and EPA programs and Regions to ensure protection of human health and the environment in Indian country. As acting Director, Ms. Wright is responsible for managing EPA's largest tribal grant program, the Indian General Assistance Program (GAP), to support tribes building capacity to administer environmental programs, and ensuring EPA implementation of federal environmental laws consistent with the federal trust responsibility, the government-to-government relationship, and EPA's 1984 Indian Policy. Prior to this position, Felicia worked in EPA's Office of Water for six years, where she served as senior advisor to the Assistant Administrator and Deputy Assistant Administrator on tribal policy and program implementation. She also served as the Tribal Program Manager for EPA's Office of Land and Emergency Management, supporting senior management for six different programs under the Resource Conservation and Recovery Act, emergency response, and Superfund statutes. She has an MS in Environmental Science and Engineering from Virginia Polytechnic and State University, and a BS in Geology from Kansas University.

**Zender, Lynn.** Dr. Lynn Zender received her Ph.D. in Civil and Environmental Engineering and completed a Masters in Environmental Systems Engineering and Modeling. She has worked on waste and broader environmental management issues in rural and tribal communities since 1994, with the first Alaska case studies in 1995. She has designed and directed numerous statewide and national projects related to environmental health risks, and is a trained Tribal Lifeline Risk Assessor. Dr. Zender is the Executive Director of Zender Environmental Health and Research Group in Anchorage, Alaska.

**Zhen, Davis.** Davis Zhen is the Site Cleanup Manager for the unit that currently oversees the Portland Harbor Cleanup. Prior to joining the Superfund program, he was the Regional Radiation and Indoor Air Program Manager overseeing radioactive air emissions from Department of Energy's and other radioactive incidents such as the Fukushima Nuclear Incident.



## **Online Training for Tribal Environmental Professionals**

Since 1992 ITEP has been assisting tribes develop their own capacity in effectively and efficiently managing their environmental programs through a variety of training courses, technical assistance, and national conferences, such as the Tribal Lands and Environment Forum.

We are very pleased to offer a new opportunity for tribal professionals to learn new skills and advance their knowledge through a series of self-paced online trainings. These online courses cover a variety of environmental media and allow you to pursue continuing education units (CEUs).

Some of the benefits of these online courses include: returning to work on current courses where you left off, connecting with other environmental tribal professionals through discussion forums, and accessing resources, videos, and certificates from previously completed courses. These online courses contain assignments, activities, quizzes, videos, tribal examples, discussion forms, and additional resources. While they are self-paced, each course provides the opportunity for individual interaction with subject matter experts.

To access current courses you can set up a free account by visiting [itep.scholarlms.com/courses/login/index.php](http://itep.scholarlms.com/courses/login/index.php). You can also visit the main page at [itep.scholarlms.com/catalog/](http://itep.scholarlms.com/catalog/) to view our current course offerings.

For more information, contact Jennifer Williams at [jennifer.williams@nau.edu](mailto:jennifer.williams@nau.edu).

## **Onsite Mentoring Opportunities for Tribal Solid Waste Professionals**

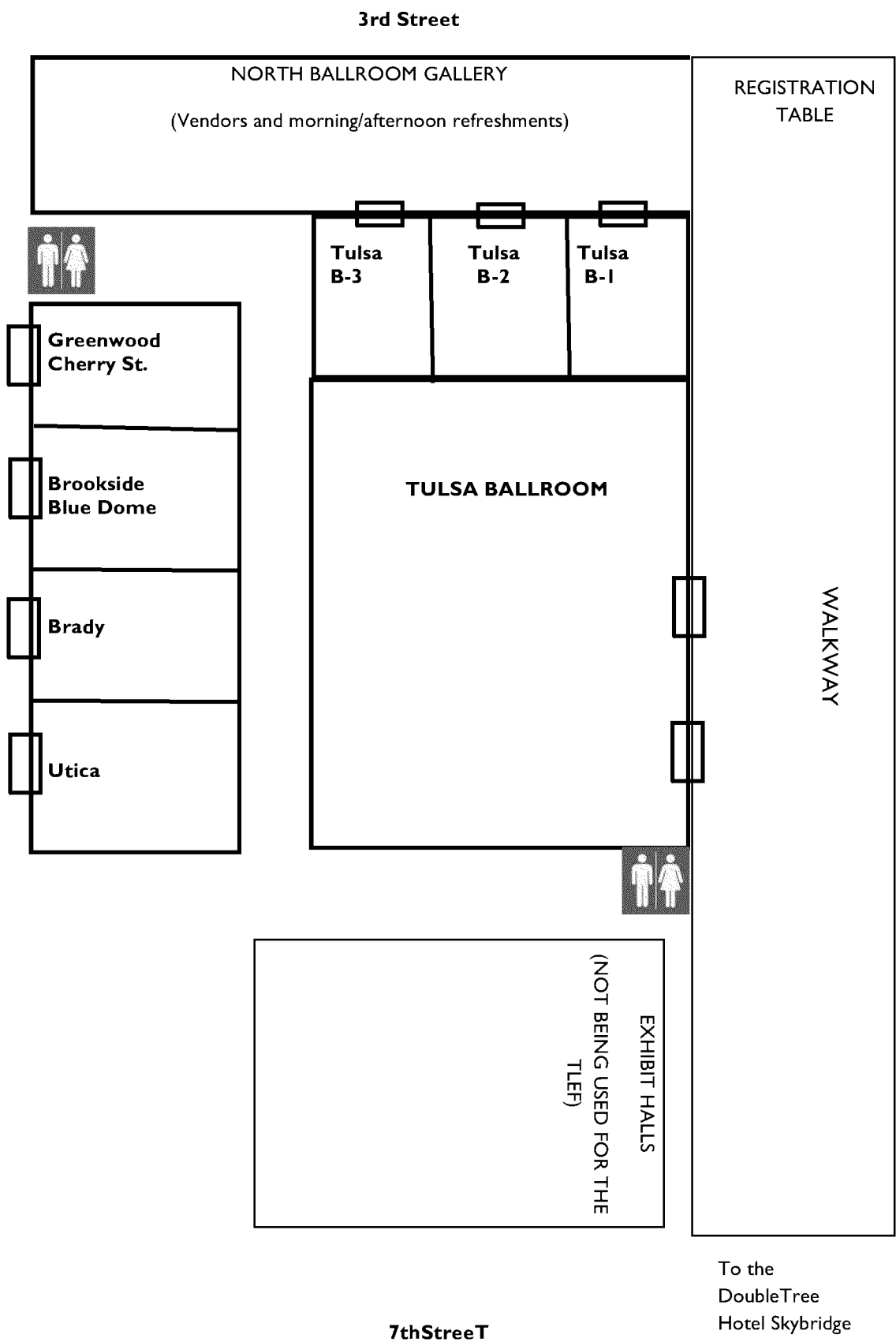
While in-person and online trainings can be invaluable in helping you develop new skills and learn new techniques, sometimes what you need is to just spend some time with a colleague, one-on-one, and focus on your specific challenges.

As part of ITEP's Tribal Solid Waste Education and Assistance Program (TSWEAP), we have been pairing tribal solid waste professionals with experts who have faced, and overcome, challenges in waste management and diversion. Often these mentor matches can be conducted through phone calls or emails, but sometimes it is more helpful to actually visit a mentoring tribe, or have an expert come visit your tribal facilities—allowing both participants to learn from one another and problem solve together. Tribal solid waste professionals can apply to ITEP and request one of these onsite mentoring opportunities. If the application is accepted, ITEP staff will find a mentor for you, conduct a conference call where you can meet the mentor and discuss your challenges in more detail, and then arrange to visit them, or have them come to your community. Under this project, ITEP will reimburse all the travel expenses for the individual traveling as part of the mentoring project.

To learn more about this project, please visit our website at: [nau.edu/itep/main/Waste/waste\\_mentors](http://nau.edu/itep/main/Waste/waste_mentors). You can also contact either Todd Barnell ([todd.barnell@nau.edu](mailto:todd.barnell@nau.edu)) or Julie Jurkowski ([julie.jurkowski@nau.edu](mailto:julie.jurkowski@nau.edu)) to obtain an application or learn more about the program.

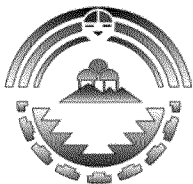
## This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

# Facility Map



## Special Thanks...

ITEP would like to extend a special thanks to the National Tribal Waste and Response Assistance Program Steering Committee who helped plan, orchestrate and otherwise make this TLEF a success! Thanks also goes out to the Oklahoma Tribes for their wonderful assistance! and hospitality!



### **Institute for Tribal Environmental Professionals**

Northern Arizona University

Box 15004

Flagstaff, AZ 86011

Ph: 928-523-9555

Fx: 928-523-1266

<http://www7.nau.edu/itep/main/Home/>



Please recycle this booklet

***Return this booklet to the Registration Table for easy recycling, or recycle it when you're done by placing in a recycling bin. Thank you!***



**2017 TRIBAL LANDS AND ENVIRONMENT FORUM****SCHEDULE OVERVIEW FOR JANE AND KELL**

<b>MONDAY, AUGUST 14, 2017</b>		
<b>Time</b>	<b>Event</b>	<b>Location</b>
7:15am	Meet in hotel lobby	Double Tree Hotel
	<u>Tar Creek Site Visit</u>	
7:30-9:30am	Drive from Tulsa to Tar Creek	
9:00- 10:30am	Fischer Pile/Intro to Tar Creek	
10:30-11:30am	Catholic 40, Tar Creek, OK	
11:30-1230pm	Lunch with Chairman Berry at Downstream Casino	
12:30-2:30pm	Travel to Douthit Bridge and Distal 10/Distal 12	
2:30-4:30pm	Drive Tar Creek to Tulsa, OK	
	BREAK	
6:00pm	Dinner with Tribal Leaders and representatives from NTC, TWRAP, NTWC, etc.	Hyatt Hotel, Daily Grill Restaurant
<b>TUESDAY, AUGUST 15, 2017</b>		
<b>Time</b>	<b>Event</b>	<b>Location</b>
10:00am	Meeting with Executive Director of ITEP	TBD
1:30pm-3:00pm	Opening Plenary	Tulsa Ballroom

Message

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**From:** Wagner, Kenneth [wagner.kenneth@epa.gov]  
**Sent:** 8/1/2017 1:36:42 PM  
**To:** Nishida, Jane [Nishida.Jane@epa.gov]  
**CC:** Jackson, Ryan [jackson.ryan@epa.gov]; Greenwalt, Sarah [greenwalt.sarah@epa.gov]  
**Subject:** Re:

I can now do it... can you talk later today

**Kenneth E. Wagner**  
*Senior Advisor to the Administrator*  
*For Regional and State Affairs*  
**U S Environmental Protection Agency**  
**202-564-1988 office**  
**202-309-2418 cell**  
**wagner.kenneth@epa.gov**

On Aug 1, 2017, at 9:29 AM, Nishida, Jane <[Nishida.Jane@epa.gov](mailto:Nishida.Jane@epa.gov)> wrote:

I didn't realize Patrick was no longer going to the TLEF - he was suppose to give opening remarks for the Administrator on Tuesday, August 15. It would be great if Ken could give opening remarks, but I think he will be in Alaska and Sarah is returning to D.C.

Sent from my iPhone

On Aug 1, 2017, at 3:41 PM, Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)> wrote:

I didn't realize Sarah was attending. That's great. Patrick is no longer attending this event. I have asked ken if he could attend not knowing Sarah was traveling. She's traveling a lot this month so god bless her for doing this as well. Can you all decide how best to cover the event?

---

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

On Aug 1, 2017, at 1:33 AM, Nishida, Jane  
<[Nishida.Jane@epa.gov](mailto:Nishida.Jane@epa.gov)> wrote:

Yes, I will be attending the Tribal Lands and Environment Forum in Tulsa. Sarah and Patrick Davis will also be attending. On

August 14, we will be visiting the Tar Creek Superfund site and having dinner with tribal leaders.

Sent from my iPhone

On Aug 1, 2017, at 1:51 AM, Jackson, Ryan  
<[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)> wrote:

Jane are you attending the tribal conference in Oklahoma in mid August?

---

Ryan Jackson

Chief of Staff

U.S. EPA

Ex. 6 - Personal Privacy



Message

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**From:** Nishida, Jane [Nishida.Jane@epa.gov]  
**Sent:** 8/1/2017 1:29:52 PM  
**To:** Jackson, Ryan [jackson.ryan@epa.gov]  
**CC:** Greenwalt, Sarah [greenwalt.sarah@epa.gov]; Wagner, Kenneth [wagner.kenneth@epa.gov]  
**Subject:** Re:

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> Ryan Jackson  
> Chief of Staff  
> U.S. EPA

> Ex. 6 - Personal Privacy

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>> Sent from my iPhone

>>

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>>>

>>> Ryan Jackson  
>>> Chief of Staff  
>>> U.S. EPA

>>> Ex. 6 - Personal Privacy

Message

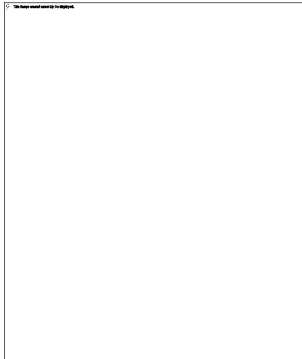
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**From:** Oklahoma Bar Association [communications@okbar.org]  
**Sent:** 2/25/2018 2:00:08 PM  
**To:** Greenwalt, Sarah [greenwalt.sarah@epa.gov]  
**Subject:** OBJ Court Issue Feb. 10



OBA eNews | February 25, 2018

## BAR JOURNAL NOW ONLINE



The **Feb. 24** issue of the Oklahoma Bar Journal is now available online.

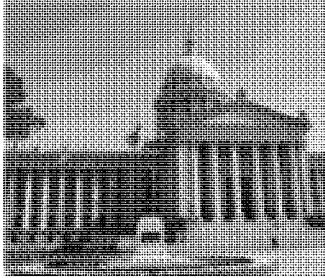
In this issue:

- Index to Court Opinions
- Opinions of Supreme Court
- Opinions of Court of Criminal Appeals
- Applicants for February 2018 Oklahoma Bar Exam
- Calendar of Events
- Opinions of Court of Civil Appeals
- Disposition of Cases Other Than by Publication

[View Now](#)

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## OTHER IMPORTANT NEWS AND UPDATES:



### **OBA Day at the Capitol - Tuesday, March 6**

The Legislative Monitoring Committee is hosting the annual OBA Day at the Capitol on Tuesday, March 6. Registration begins at 9:30 a.m. and Attorney General Mike Hunter will start the day speaking at about 10 a.m., followed by a variety of additional speakers including Chief Justice Douglas Combs, a legislative panel, lunch and then participants will head to the Capitol to meet with legislators. It is always an informative and interesting day - and will be again this year. Mark your calendar now and RSVP to Debbie Brink at

[debbieb@okbar.org](mailto:debbieb@okbar.org) or call 405-416-7014.



Oklahoma Bar Association  
1901 N. Lincoln Blvd.  
PO Box 53036  
Oklahoma City, OK 73152



**To:** Schwab, Justin[Schwab.Justin@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]  
**From:** Fotouhi, David  
**Sent:** Wed 12/6/2017 11:07:07 PM

FYI <https://www.politico.com/magazine/story/2017/12/06/scott-pruitt-tar-creek-oklahoma-investigation-215854>

**David Fotouhi**

Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)

Message

---

**From:** Greenwalt, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C13775B8F424E90802669B87B135024-GREENWALT,]  
**Sent:** 2/20/2018 12:57:11 AM  
**To:** Wagner, Kenneth [wagner.kenneth@epa.gov]  
**Subject:** Re:

Awesome. Call you at 9am eastern.

Sent from my iPhone

On Feb 19, 2018, at 7:56 PM, Wagner, Kenneth <[wagner.kenneth@epa.gov](mailto:wagner.kenneth@epa.gov)> wrote:

I'm driving to tar creek tomorrow as Kell apparently has the flu and is questionable for tomorrow. I'm free from 8-10 your time and likely in the pm

Be in the office on Wednesday and Thursday

You back from Israel?

**Kenneth E. Wagner**  
*Senior Advisor to the Administrator*  
*For Regional and State Affairs*  
**U S Environmental Protection Agency**  
**202-564-1988 office**  
**202-309-2418 cell**  
**[wagner.kenneth@epa.gov](mailto:wagner.kenneth@epa.gov)**

On Feb 19, 2018, at 6:29 PM, Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)> wrote:

Ken -

I still really need to connect with you. When are you free tomorrow?

Sent from my iPhone

Message

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**From:** Greenwalt, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C13775B8F424E90802669B87B135024-GREENWALT,]  
**Sent:** 8/15/2017 11:00:39 PM  
**To:** Ex. 6 - Personal Privacy  
**Subject:** Contact

Chairman Berrey,

Thank you again for hosting us yesterday. It was such a pleasure to meet you and your team, and to see the work that you all have accomplished with respect to Tar Creek. I look forward to discussing this and other areas of mutual interest in the future.

Best,

**Sarah A. Greenwalt**

Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency  
Work: 202-564-1722 | Cell: 202-816-1388  
[Greenwalt.Sarah@epa.gov](mailto:Greenwalt.Sarah@epa.gov)

Message

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**From:** Greenwalt, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C13775B8F424E90802669B87B135024-GREENWALT,]  
**Sent:** 8/15/2017 10:36:53 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]; Nishida, Jane [Nishida.Jane@epa.gov]  
**CC:** Wagner, Kenneth [wagner.kenneth@epa.gov]  
**Subject:** RE: Thank You

Yes, you have a great team Jane! Appreciate you guys allowing us to be a part of the exchange.

Sarah A. Greenwalt  
Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency  
Work: 202-564-1722|Cell: 202-816-1388  
Greenwalt.Sarah@epa.gov

-----Original Message-----

From: Kelly, Albert  
Sent: Tuesday, August 15, 2017 6:30 PM  
To: Nishida, Jane <Nishida.Jane@epa.gov>  
Cc: Wagner, Kenneth <wagner.kenneth@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>  
Subject: Re: Thank You

Thanks Jane. We are all on one team. Thanks to you for your hard work and organization.

Sent from my iPad

> On Aug 15, 2017, at 5:16 PM, Nishida, Jane <Nishida.Jane@epa.gov> wrote:  
>  
> Kell, Ken, and Sarah,  
>  
> I wanted to express my thanks and appreciation to all of you for taking time from your hectic schedules to participate in the Tar Creek tour, tribal dinner and opening plenary for the Tribal Lands and Environment Forum (TLEF). I heard from many of the tribal attendees how much they appreciated your presence, willingness to listen, and partner with the tribes. We took an important step this week in advancing cooperative federalism with our tribal partners.  
>  
> And a special thanks to Kell for your very gracious opening remarks following Ken Norton's comments. You were terrific!  
>  
> Many thanks again,  
>  
> Jane  
>  
> Sent from my iPhone

Message

---

**From:** Greenwalt, Sarah [greenwalt.sarah@epa.gov]  
**Sent:** 7/19/2017 1:59:03 AM  
**To:** Nishida, Jane [Nishida.Jane@epa.gov]  
**Subject:** Re: Tribal Land and Environment Forum

That schedule looks great, thank you Jane.

Sent from my iPhone

> On Jul 18, 2017, at 5:09 PM, Nishida, Jane <Nishida.Jane@epa.gov> wrote:  
>  
> Sarah,  
>  
> Staff from OITA, OW, OLEM and Region 6 met this morning to coordinate the Tribal Lands and Environment Forum (TLEF). They have proposed the following schedule for the political team (you and Patrick Davis) and senior managers (me and Sam Coleman) for Monday August 14:  
>  
> Morning - drive to see Tar Creek Superfund site  
> Meet and have lunch with the Quawpaw Tribe, get overview presentation, and tour the site.  
> Afternoon - drive back to Tulsa  
> Evening - dinner meeting with tribal leaders (including representatives from National Tribal Caucus, National Tribal Water Council and Tribal Waste, Response & Planning group)  
>  
> I talked with Patrick and Sam at the Senior Leadership Council meeting today and they both gave this proposal a heads up. I also talked to Kell and Ken, but unfortunately they will be in Alaska on August 14.  
>  
> If you are agreeable with this proposal, we will begin to organize the Tar Creek site visit and tribal meeting for August 14. We will also schedule a pre-briefing for you and Patrick on TLEF and tribal issues for either the week of July 24 or August 7. Let me know what you think.  
>  
> Thanks,  
>  
> Jane  
>  
> -----Original Message-----  
> From: Greenwalt, Sarah  
> Sent: Friday, July 14, 2017 2:26 PM  
> To: Nishida, Jane <Nishida.Jane@epa.gov>  
> Subject: Re: Tribal Land and Environment Forum  
>  
> That sounds great.  
>  
> Sent from my iPhone  
>  
>> On Jul 14, 2017, at 1:11 PM, Nishida, Jane <Nishida.Jane@epa.gov> wrote:  
>>  
>> We could use this time for an OITA briefing on tribal issues - I and several of my staff will be at the TLEF.  
>>  
>> -----Original Message-----  
>> From: Greenwalt, Sarah  
>> Sent: Friday, July 14, 2017 11:18 AM  
>> To: Nishida, Jane <Nishida.Jane@epa.gov>  
>> Subject: Re: Tribal Land and Environment Forum  
>>  
>> Yes, I think that would work fine. Are there other meetings on Monday or early Tuesday that would be beneficial? If the Chair won't be able to meet until late Monday I'd like to make use of my time while I'm there.  
>>  
>> Sent from my iPhone  
>>  
>>> On Jul 14, 2017, at 9:24 AM, Nishida, Jane <Nishida.Jane@epa.gov> wrote:  
>>>  
>>> The Tribal Lands and Environment Forum (TLEF) begins with trainings on Monday, August 14, and opening plenary session is not until August 15. As a consequence, the National Tribal Caucus (NTC) Chair is not arriving until Monday, so can we arrange the meeting for Monday late afternoon?  
>>>  
>>> Thanks.  
>>>  
>>> -----Original Message-----



>>> From: Greenwalt, Sarah  
>>> Sent: Wednesday, July 12, 2017 5:51 PM  
>>> To: Nishida, Jane <Nishida.Jane@epa.gov>  
>>> Subject: Re: RE: RE:  
>>>  
>>> Yes I'd like that. I'd probably need to come back late Monday or first thing Tuesday morning. Would that present a problem? I know OW isn't presenting WOTUS until Wednesday.  
>>>  
>>> Sent from my iPhone  
>>>  
>>>> On Jul 12, 2017, at 5:38 PM, Nishida, Jane <Nishida.Jane@epa.gov> wrote:  
>>>>  
>>>> On another note, I had a call with the National Tribal Caucus (NTC) this afternoon and they are interested in meeting with you at the Tribal Lands and Environment Forum (TLEF) in Tulsa in August. They are also interested in meeting others from the political team (I believe Patrick Davis and Ken Wagner are attending TLEF). If you are agreeable, I will schedule this meeting. And I can also schedule a tribal briefing with you later this month to provide background on the NTC, TLEF and other tribal issues.  
>>>>  
>>>> Thanks.  
>>>>  
>>>> -----Original Message-----  
>>>> From: Greenwalt, Sarah  
>>>> Sent: Wednesday, July 12, 2017 5:28 PM  
>>>> To: Nishida, Jane <Nishida.Jane@epa.gov>  
>>>> Subject: Re: RE:  
>>>>  
>>>> Many thanks!  
>>>>  
>>>> Sent from my iPhone  
>>>>  
>>>>> On Jul 12, 2017, at 5:23 PM, Nishida, Jane <Nishida.Jane@epa.gov> wrote:  
>>>>>  
>>>>> I got an email this morning saying they were still consulting with Secretary Pacchiano. I will send another friendly reminder tomorrow.  
>>>>>  
>>>>> -----Original Message-----  
>>>>> From: Greenwalt, Sarah  
>>>>> Sent: Wednesday, July 12, 2017 5:16 PM  
>>>>> To: Nishida, Jane <Nishida.Jane@epa.gov>  
>>>>> Subject:  
>>>>>  
>>>>> Hi Jane! Any word from Pacchiano's staff?  
>>>>>  
>>>>> Sent from my iPad

Message

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**From:** Greenwalt, Sarah [greenwalt.sarah@epa.gov]  
**Sent:** 8/10/2017 5:54:34 PM  
**To:** Penman, Crystal [Penman.Crystal@epa.gov]  
**Subject:** Re: Monday Border Briefing

Thank you Crystal

Sent from my iPhone

> On Aug 10, 2017, at 1:53 PM, Penman, Crystal <Penman.Crystal@epa.gov> wrote:

>  
> Meeting rescheduled for 8/16 @ 1pm.

>  
> Crystal Penman  
> Program Specialist  
> Office of Water  
> Immediate Office  
> U.S. Environmental Protection Agency  
> Work: 202-564-3318  
> Penman.Crystal@epa.gov

>  
> -----Original Message-----

> From: Shapiro, Mike  
> Sent: Thursday, August 10, 2017 1:49 PM  
> To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>  
> Cc: Campbell, Ann <Campbell.Ann@epa.gov>; Penman, Crystal <Penman.Crystal@epa.gov>  
> Subject: FW: Monday Border Briefing

>  
> Sarah,  
>  
> We'll check on rescheduling. Copying Ann and Crystal.

>  
> Mike  
>  
> Michael Shapiro  
> Acting Assistant Administrator, Office of Water US EPA, 4101M  
> 1200 Pennsylvania Ave., NW  
> Washington, DC 20460  
> 202-564-5700

>  
> -----Original Message-----

> From: Greenwalt, Sarah  
> Sent: Thursday, August 10, 2017 1:47 PM  
> To: Shapiro, Mike <Shapiro.Mike@epa.gov>  
> Subject: Re: Monday Border Briefing

>  
> Thanks for checking in. I'll be touring the Tar Creek superfund site, so it's unlikely I'll be able to call in. I can do tomorrow at 2; Tuesday at 4pm; or Wednesday 1-3. Would any of those times work?

>  
> Sent from my iPhone

>> On Aug 10, 2017, at 1:42 PM, Shapiro, Mike <Shapiro.Mike@epa.gov> wrote:

>>  
>> Sarah,  
>>  
>> We have a briefing scheduled for you on the Mexico Border program Monday at 10:00. Will you be calling in or should we reschedule?

>>  
>> Mike  
>>  
>> Michael Shapiro  
>> Deputy Assistant Administrator  
>> US EPA, Office of Water

Message

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**From:** Greenwalt, Sarah [greenwalt.sarah@epa.gov]  
**Sent:** 8/10/2017 5:49:47 PM  
**To:** Shapiro, Mike [Shapiro.Mike@epa.gov]  
**CC:** Campbell, Ann [Campbell.Ann@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]  
**Subject:** Re: Monday Border Briefing

Thanks, all.

Sent from my iPhone

> On Aug 10, 2017, at 1:49 PM, Shapiro, Mike <Shapiro.Mike@epa.gov> wrote:  
>  
> Sarah,  
>  
> We'll check on rescheduling. Copying Ann and Crystal.  
>  
> Mike  
>  
> Michael Shapiro  
> Acting Assistant Administrator, Office of Water  
> US EPA, 4101M  
> 1200 Pennsylvania Ave., NW  
> Washington, DC 20460  
> 202-564-5700  
>  
> -----Original Message-----  
> From: Greenwalt, Sarah  
> Sent: Thursday, August 10, 2017 1:47 PM  
> To: Shapiro, Mike <Shapiro.Mike@epa.gov>  
> Subject: Re: Monday Border Briefing  
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in or should we reschedule?  
>>  
>> Mike  
>>  
>> Michael Shapiro  
>> Deputy Assistant Administrator  
>> US EPA, Office of Water

Message

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**From:** Greenwalt, Sarah [greenwalt.sarah@epa.gov]  
**Sent:** 8/10/2017 5:46:45 PM  
**To:** Shapiro, Mike [Shapiro.Mike@epa.gov]  
**Subject:** Re: Monday Border Briefing

Thanks for checking in. I'll be touring the Tar Creek superfund site, so it's unlikely I'll be able to call in. I can do tomorrow at 2; Tuesday at 4pm; or Wednesday 1-3. Would any of those times work?

Sent from my iPhone

> On Aug 10, 2017, at 1:42 PM, Shapiro, Mike <Shapiro.Mike@epa.gov> wrote:  
>  
> Sarah,  
>  
> We have a briefing scheduled for you on the Mexico Border program Monday at 10:00. Will you be calling in or should we reschedule?  
>  
> Mike  
>  
> Michael Shapiro  
> Deputy Assistant Administrator  
> US EPA, Office of Water

Message

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**From:** Greenwalt, Sarah [greenwalt.sarah@epa.gov]  
**Sent:** 8/1/2017 1:32:12 PM  
**To:** Jackson, Ryan [jackson.ryan@epa.gov]  
**CC:** Nishida, Jane [Nishida.Jane@epa.gov]; Wagner, Kenneth [wagner.kenneth@epa.gov]  
**Subject:** Re:

Don't bless me too much! I'll only be attending that first day, the 14th to take advantage of the opportunity to meet many of the tribal leaders in one place. I'll fly out first thing Tuesday am. Jane, if you think it would be beneficial to have Ken there in my absence please let him know!

Sent from my iPhone

> On Aug 1, 2017, at 8:41 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>

> I didn't realize Sarah was attending. That's great. Patrick is no longer attending this event. I have asked ken if he could attend not knowing Sarah was traveling. She's traveling a lot this month so god bless her for doing this as well. Can you all decide how best to cover the event?

>

>

> \_\_\_\_\_  
> Ryan Jackson  
> Chief of Staff  
> U.S. EPA  
> Ex. 6 - Personal Privacy

>

>> On Aug 1, 2017, at 1:33 AM, Nishida, Jane <Nishida.Jane@epa.gov> wrote:

>>

>> Yes, I will be attending the Tribal Lands and Environment Forum in Tulsa. Sarah and Patrick Davis will also be attending. On August 14, we will be visiting the Tar Creek Superfund site and having dinner with tribal leaders.

>>

>> Sent from my iPhone

>>

>>> On Aug 1, 2017, at 1:51 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

>>>

>>> Jane are you attending the tribal conference in Oklahoma in mid August?

>>>

>>>

>>> \_\_\_\_\_  
>>> Ryan Jackson  
>>> Chief of Staff  
>>> U.S. EPA  
>>> Ex. 6 - Personal Privacy

Message

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**From:** Michael Bastasch [REDACTED]@dailycallernewsfoundation.org]  
**Sent:** 1/2/2018 10:18:18 PM  
**To:** Wilcox, Jahan [wilcox.jahan@epa.gov]  
**CC:** Hewitt, James [hewitt.james@epa.gov]  
**Subject:** Re: Hey Mike

Thanks

Sent from my iPhone

On Jan 2, 2018, at 2:06 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

**Despite all of the doom and gloom that comes from the New York Times and others, we wanted to make sure you saw this story from the Tulsa World, regarding outgoing EPA Region 6 (Dallas-based) Administrator Sam Coleman.**

**KEY TAKEAWAY:** “After 40 years in government service, under seven presidents, the Environmental Protection Agency’s acting administrator of Dallas-based Region 6 takes his leave confident his agency’s charge to protect human health and the environment is intact. Sam Coleman is turning his cowboy boots toward the setting sun by choice, by the way. That needs to be made clear because headlines lately are rife with news of cuts to agency staff, regulations rollbacks, worries the “core mission” has changed and indications that President Donald Trump’s campaign comment about the EPA to “get rid of it in almost every form” may be coming to fruition. Coleman expressed no such feelings of worry but described an agency that, like most government agencies, ebbs and flows according to the politics of the day and who is in charge.”

**Retiring EPA official over Oklahoma says agency survives ebb and flow of politics**

The Tulsa World

January 2, 2018

[http://www.tulsaworld.com/news/government/retiring-epa-official-over-oklahoma-says-agency-survives-ebb-and/article\\_7eb8b4a5-fce9-534e-ae6-2fb958760a21.html](http://www.tulsaworld.com/news/government/retiring-epa-official-over-oklahoma-says-agency-survives-ebb-and/article_7eb8b4a5-fce9-534e-ae6-2fb958760a21.html)

After 40 years in government service, under seven presidents, the Environmental Protection Agency’s acting administrator of Dallas-based Region 6 takes his leave confident his agency’s charge to protect human health and the environment is intact.

Sam Coleman is turning his cowboy boots toward the setting sun by choice, by the way. That needs to be made clear because headlines lately are rife with news of cuts to agency staff, regulations rollbacks, worries the “core mission” has changed and indications that President Donald Trump’s campaign comment about the EPA to “get rid of it in almost every form” may be coming to fruition.

Coleman expressed no such feelings of worry but described an agency that, like most government agencies, ebbs and flows according to the politics of the day and who is in charge.

"It's running the way it always has," he said. "The thing about government that I will say is our democracy always has its problems until you compare it to anything else — and then it looks pretty dag-gum good."

A general assumption that Republican administrations cut environmental agencies and Democrats build them up is not true, he said. President Bill Clinton appointed a commission to examine the agency and cut expenses, Coleman said.

"We've seen reductions in staff through various administrations and seen increases through others," he said. "The Democrats and Republicans are a completely mixed bag."

One of the more difficult transitions in presidential administrations was from Jimmy Carter to Ronald Reagan, he said. Carter issued a number of executive orders late in his term, and Reagan reversed most of them.

Read Carter's memoirs and you may be surprised just how little communication there was between him and Reagan. "There was a lot of animosity that occurred," Coleman said.

"I was lower in the ranks, but I did experience some of that. But you have to understand at that time there was no 24-hour news cycle, no internet; it didn't exist, so you had to find the Washington Post or the New York Times or another major newspaper and drill down into the political section to read a story to find out what was going on."

Now Twitter and 24-hour news create stories out of any little thing that occurs, he said.

"For a lot of that, you kind of roll your eyes a little bit and say, 'It's the same old thing,' " Coleman said.

What makes the difference for the agency is communication with the employees, he said.

"Carter to Reagan to (George H.W.) Bush, Clinton to (George W.) Bush, (Barack) Obama to Trump, the career employees can always tell a difference, and in a lot of ways that are not totally obvious," Coleman said. "I will say, without getting too specific, some administrations clearly communicate the message — their goals and agenda — better than others."

Coleman said he intended to retire last year, after his wife, Esther, retired (also from the EPA) in 2014. Coleman chuckled. "No, no, I was never her boss," he said.

The departing Obama administration issued a plea to senior staff to stay through the transition to the next administration, he said.

"I agreed to that before the election," Coleman said. "It's just a handshake thing, but you keep your word. I also wanted to make sure the region was under strong new leadership before I left."

Anne Idsal, former general counsel to the Texas Commission on Environmental Quality, took the reigns of the South Central Region — which includes Oklahoma, Texas, New Mexico, Arkansas, Louisiana and 66 tribal nations — in December.

Coleman said the former attorney “will be a great administrator and excellent for the region.”

In his time with the U.S. Army Corps of Engineers and just under 29 years with the EPA, Coleman said he is blessed to have worked in an area “where you actually could make a difference and see improvements in people’s lives.”

Coleman guided EPA’s response to Hurricane Katrina as the agency’s senior federal official for New Orleans.

When he was director of the Superfund Division, he saw the turnaround at Tar Creek, with credit to efforts from Sen. Jim Inhofe and Gov. Brad Henry and tribal leaders to shake loose political and bureaucratic divisions that had the project at a near standstill.

“We were able to turn that around 14, 15 years ago, to create a much better partnership where we could get the work started and actually address the safety of the residents,” Coleman said.

He also pointed to the Brownfields Program, which provides grants and technical assistance to communities, states and tribes to clean up and use contaminated properties. The program he calls a game-changer played a part in the development of The Brickyards area of Oklahoma City and the building of ONEOK Field in downtown Tulsa.

“What has grown out of it has been millions in development,” he said. “It creates jobs, brings people back to work and re-uses a lot of property that would have otherwise sat idle.”

Not all is rosy at the EPA, but Coleman would say that challenges and errors are the stuff of life from which we learn and grow.

“As a career employee, what you have to avoid is passing judgment on a policy,” he said. “The people vote, and the president is the president, and he appoints people to establish the policy. I don’t have an opinion about one policy versus another; they just are what they are.”

###

Jahan Wilcox

EPA

Work Cell: Ex. 6 - Personal Privacy

Work Email: [wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)



Message

---

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**Sent:** 1/2/2018 10:06:07 PM  
**To:** Michael Bastasch [REDACTED]@dailycallernewsfoundation.org  
**CC:** Hewitt, James [hewitt.james@epa.gov]  
**Subject:** Hey Mike

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###

Jahan Wilcox

EPA

Work Cell: Ex. 6 - Personal Privacy

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**From:** Wilcox, Jahan [wilcox.jahan@epa.gov]  
**Sent:** 1/2/2018 10:05:21 PM  
**To:** Daniel Halper [daniel.halper@gmail.com]  
**CC:** Hewitt, James [hewitt.james@epa.gov]  
**Subject:** FYI

**KEY TAKEAWAY:** “After 40 years in government service, under seven presidents, the Environmental Protection Agency’s acting administrator of Dallas-based Region 6 takes his leave confident his agency’s charge to protect human health and the environment is intact. Sam Coleman is turning his cowboy boots toward the setting sun by choice, by the way. That needs to be made clear because headlines lately are rife with news of cuts to agency staff, regulations rollbacks, worries the “core mission” has changed and indications that President Donald Trump’s campaign comment about the EPA to “get rid of it in almost every form” may be coming to fruition. Coleman expressed no such feelings of worry but described an agency that, like most government agencies, ebbs and flows according to the politics of the day and who is in charge.”

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###

Jahan Wilcox

EPA

Work Cell: Ex. 6 - Personal Privacy

Work Email: [wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)

**From:** Wilcox, Jahan [wilcox.jahan@epa.gov]  
**Sent:** 1/2/2018 10:03:31 PM  
**To:** jazz shaw [jazzshaw@gmail.com]; tips@hotair.com  
**CC:** Hewitt, James [hewitt.james@epa.gov]  
**Subject:** Hey Jazz

**Despite all of the doom and gloom that comes from the New York Times and others, we wanted to make sure you saw this story from the Tulsa World, regarding outgoing EPA Region 6 (Dallas-based) Administrator Sam Coleman.**

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The Tulsa World

January 2, 2018

[http://www.tulsaworld.com/news/government/retiring-epa-official-over-oklahoma-says-agency-survives-ebb-and/article\\_7eb8b4a5-fce9-534e-ae6-2fb958760a21.html](http://www.tulsaworld.com/news/government/retiring-epa-official-over-oklahoma-says-agency-survives-ebb-and/article_7eb8b4a5-fce9-534e-ae6-2fb958760a21.html)

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###

Jahan Wilcox

EPA

Work Cell: Ex. 6 - Personal Privacy

Work Email: [wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)

**From:** Wilcox, Jahan [wilcox.jahan@epa.gov]  
**Sent:** 1/2/2018 9:56:00 PM  
**To:** Elizabeth Harrington [elizabeth@freebeacon.com]  
**CC:** Hewitt, James [hewitt.james@epa.gov]  
**Subject:** Hey Liz

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EPA

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Work Email: wilcox.jahan@epa.gov

**From:** Wilcox, Jahan [wilcox.jahan@epa.gov]  
**Sent:** 1/2/2018 9:55:32 PM  
**To:** Sean Moran [smoran@breitbart.com]; pstarr@breitbart.com  
**CC:** Hewitt, James [hewitt.james@epa.gov]  
**Subject:** Hey Sean and Penny

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###

Jahan Wilcox

EPA

Work Cell: Ex. 6 - Personal Privacy

Work Email: wilcox.jahan@epa.gov

Message

---

**From:** Rodrick, Christian [rodrick.christian@epa.gov]  
**Sent:** 4/23/2018 8:08:16 PM  
**To:** Hewitt, James [hewitt.james@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]  
**Subject:** FW: Mullin possibly questioning in Enviro Sub

Could either of you guys give me a call if you get a shot?

Thanks,

*Christian Rodrick*  
*Special Assistant*  
*Congressional Affairs U.S. EPA*  
*O: (202) 564-4828*

---

**From:** Ringel, Aaron  
**Sent:** Monday, April 23, 2018 3:41 PM  
**To:** Rodrick, Christian <rodrick.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>  
**Subject:** Fwd: Mullin possibly questioning in Enviro Sub

Can you guys look into anything we can send?

Sent from my iPhone

Begin forwarded message:

**From:** "Brownlee, Matthew" <Matthew.Brownlee@mail.house.gov>  
**Date:** April 23, 2018 at 3:36:29 PM EDT  
**To:** "ringel.aaron@epa.gov" <ringel.aaron@epa.gov>  
**Subject:** Mullin possibly questioning in Enviro Sub

Hey Aaron,

Congressman Mullin was invited to question at the end of the Environment Subcommittee hearing on Thursday with Administrator Pruitt. With Congressman Mullin's schedule, I'm not sure if he will have time but I am putting together questions anyway.

I was hoping to steer the questioning to highlight some of the good stuff EPA is doing in Oklahoma like with Tar Creek and the Illinois River. Is there anything Oklahoma related that the EPA would like to talk about?

Thanks,

Matthew Brownlee, *Legislative Aide*  
**CONGRESSMAN MARKWAYNE MULLIN**  
1113 Longworth | Washington, D.C. 20515  
p 202-225-2701





Message

---

**From:** Orquina, Jessica [Orquina.Jessica@epa.gov]  
**Sent:** 8/3/2017 8:18:00 PM  
**To:** Konkus, John [konkus.john@epa.gov]; Hewitt, James [hewitt.james@epa.gov]  
**CC:** Hull, George [Hull.George@epa.gov]  
**Subject:** RE: JOHN/JAMES REVIEW: OLEM web post request  
**Attachments:** Optimization Progress Report\_6-15-17\_Final (002).pdf; Optimization Progress Report\_6-15-17\_Final (002)\_App A and B.PDF; Optimization Report Key Messages.docx

Hi! I wanted to check on this one. Thanks!

Jessica Ann Orquina  
Acting Director  
Office of Web Communications  
U.S. Environmental Protection Agency  
Email: [orquina.jessica@epa.gov](mailto:orquina.jessica@epa.gov)  
Office: 202-564-0446  
Mobile: 202-322-8369

---

**From:** Orquina, Jessica  
**Sent:** Tuesday, August 01, 2017 3:11 PM  
**To:** Konkus, John <[konkus.john@epa.gov](mailto:konkus.john@epa.gov)>; Hewitt, James <[hewitt.james@epa.gov](mailto:hewitt.james@epa.gov)>  
**Cc:** Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>  
**Subject:** JOHN/JAMES REVIEW: OLEM web post request

Hi John & James,

OLEM would like to post the two attached PDF docs to update our optimization webpage (<https://www.epa.gov/superfund/cleanup-optimization-superfund-sites>). OLEM's acting AA and DAA are aware and OK with this posting request.

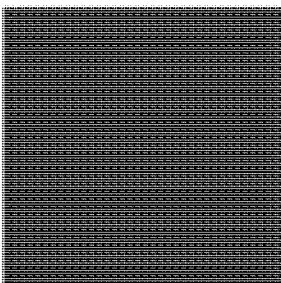
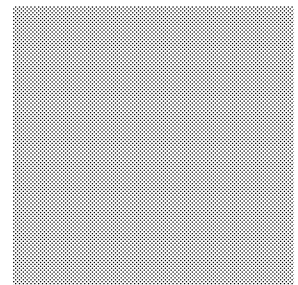
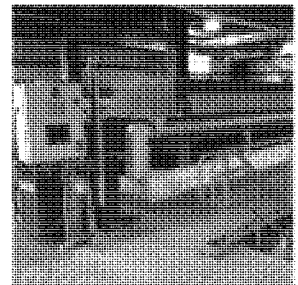
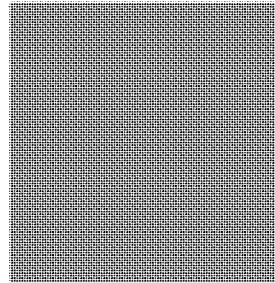
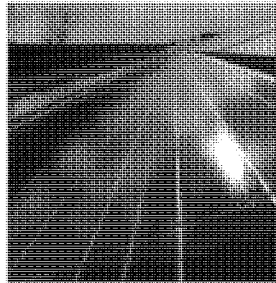
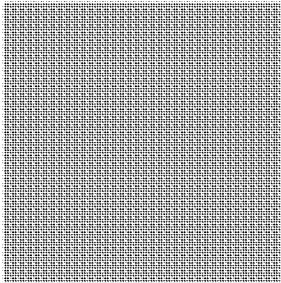
This report summarizes optimizations from 2011-2015. A summary of the key points is also attached for reference.

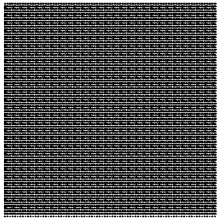
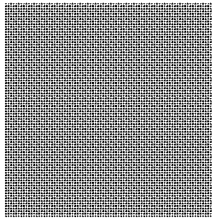
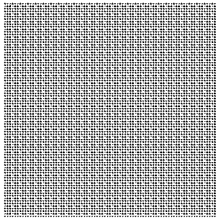
Any concerns?

Thanks! Jess

Jessica Ann Orquina  
Acting Director  
Office of Web Communications  
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Email: [orquina.jessica@epa.gov](mailto:orquina.jessica@epa.gov)  
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# Superfund Optimization Progress Report 2011 – 2015



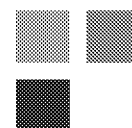


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EPA 542-R-17-002

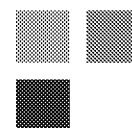
Office of Land and Emergency Management

June 2017



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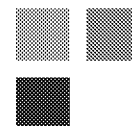


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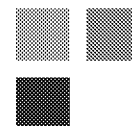
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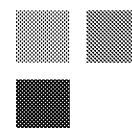
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## NOTICE AND DISCLAIMER

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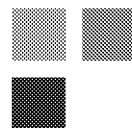
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## EXECUTIVE SUMMARY

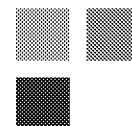
The U.S. Environmental Protection Agency (EPA) is continuing to make progress on (1) implementing recommendations for individual optimization events, (2) conducting site-specific technical support, and (3) implementing the elements of the 2012 *National Strategy to Expand Superfund Optimization Practices from Site Assessment to Site Completion* (“the Strategy”). Status updates are provided in this report for (1) optimization recommendations for 41 new optimization events conducted during Fiscal Years (FY) 2011 through FY 2015, for (2) 20 optimization events with outstanding recommendations recorded in previous progress reports, and for (3) 25 technical support projects conducted during FY 2011 through FY 2015. Project highlights are provided for both optimization and technical support events.

The Strategy instituted changes to the Superfund remedial program business processes to take advantage of newer tools and strategies that promote more effective and efficient cleanups. Under the Strategy, EPA expanded the optimization program to support nearly 50 ongoing optimization events in a typical year and complete about 20 optimization events per year. By expanding the optimization program, EPA has realized benefits from optimization at a larger number of sites, such as increasing remedy effectiveness, improving technical performance, reducing costs, moving sites to completion, and lowering the environmental footprint of remediation activities. In addition, optimization and technical support events are being conducted across all phases of the Superfund pipeline from site assessment through site completion, with the goal of improving the approaches to characterization, design, remediation, and operation and maintenance of Superfund sites. Approximately 35 percent of the optimization events included in the report were conducted in pre-remedial phases of the Superfund pipeline, 51 percent during remedial action phases, and 14 percent during operation and maintenance.

In FY 2015, EPA collected information from Remedial Project Managers on the status of the optimization recommendations from the reviews of 61 sites. Overall, 64 percent of optimization recommendations were implemented, are in progress, or are planned. Another 15 percent are still under consideration and only 16 percent were declined. A small number of recommendations (4 percent) were deferred to the state or Potentially Responsible Party for action; 1 percent do not have status information available.

EPA conducted a more detailed analysis of the various tools and techniques included in optimization recommendations and of the beneficial outcomes achieved by implementing them. EPA noted use of the following tools and techniques as a result of the optimization reviews and technical support events: (1) 68 percent of the sites had improvements to the conceptual site model, (2) 60 percent of the sites had streamlined or improved monitoring, (3) 39 percent of the sites had improved system engineering, and (4) 36 percent of the sites had a change in the remedial approach.

Technical support was completed for 25 events. Three of these events are highlighted in the report and include support in conducting high-resolution site characterization, developing an environmental footprint analysis, and developing conceptual site models.



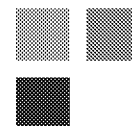
## 1.0 INTRODUCTION

The U.S. Environmental Protection Agency (EPA) has been conducting optimization activities at Superfund sites since 1997 and periodically reporting on the progress of implementing optimization recommendations (EPA, 2012a). EPA began its optimization efforts as a pilot program focused on groundwater pump and treat (P&T) remedies at Superfund (Fund-lead) sites by conducting remediation system evaluations and long-term monitoring optimizations. In August 2004, EPA developed the *Action Plan for Ground Water Remedy Optimization* ("Action Plan") (EPA, 2004) to further implement important lessons learned from the pilot phase and fully integrate optimization into the Superfund cleanup process, where appropriate. As the program matured, further recognition of the benefits of optimization prompted EPA to expand and formalize its optimization program. In 2012, EPA issued the *National Strategy to Expand Superfund Optimization Practices from Site Assessment to Site Completion* ("the Strategy") (EPA, 2012b). Under the Strategy, optimization activities are conducted at every phase of the Superfund pipeline, from site assessment to site completion. This *Superfund Optimization Progress Report 2011 – 2015* summarizes EPA's progress on implementing optimization recommendations for individual optimization events, conducting technical support, and implementing the elements of the overall Strategy.

The four main sections of this report are: Introduction (Section 1.0), including a discussion of the purpose of the report and background on the history of the optimization program and optimization strategy; Summary of Implementation Progress (Section 2.0), including a summary of EPA's progress in implementing optimization recommendations at sites that were reviewed and information on technical support events; Summary of Progress on Implementing the National Optimization Strategy (Section 3.0), summarizing EPA's progress in implementing this strategy; and References (Section 4.0). Appendix A provides a detailed discussion of EPA's progress on implementing the National Optimization Strategy. Appendix B lists the optimization and technical support events completed through FY 2015.

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## 1.1 Purpose and Scope

The purpose of this report is twofold: (1) to provide a summary and analysis of the status of implementation of the site-specific recommendations resulting from independent optimization reviews at Superfund sites and to discuss and highlight technical support activities; and (2) to summarize EPA's progress on implementing the four main elements of the Strategy. The elements include:

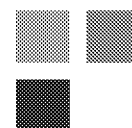
- Element 1: Planning and Outreach.
- Element 2: Integration and Training.
- Element 3: Implementation.
- Element 4: Measurement and Reporting.

**Optimization reviews** result in site-specific reports with recommendations that fall within one of five standard recommendation categories: remedy effectiveness, cost reduction, technical improvement, site closure, and green remediation. Starting one year after completing the optimization review, the optimization team follows up with the Remedial Project Manager (RPM) for the site to determine the status of implementing the recommendations at the site. The implementation status of the recommendations is then tracked, and follow-up continues until all recommendations have been implemented, declined, or in some cases, deferred to the state.

**Technical support projects** generally result in providing site support for specific activities such as developing a strategic sampling approach, conducting systematic project planning, conducting a focused technical review of a specific aspect of a site, and visualizing and analyzing data to help identify data gaps in the conceptual site model (CSM). Technical support projects do not generally result in a report with recommendations that are tracked, although EPA does track the start and completion dates of these projects.

Successful strategies for implementing optimization recommendations, opportunities for improvement, barriers to implementation, and changes in project costs as a result of optimization are also a focus of this report. In addition, project highlights showcasing specific sites where optimization activities have had positive impacts are presented. Summaries and highlights of technical support projects whose positive results and lessons learned may be beneficial to other sites are also included.

This report covers the implementation of optimization recommendations during fiscal year (FY) 2011 through FY 2015 from 61 optimization events that are subject to tracking. It should be noted that not all optimization events completed in FY 2015 are included in this report; only those completed early in FY 2015 and where updated information was available are addressed. Information is provided on the implementation of recommendations for 41 events where an optimization was performed since the last progress report and which are being reported on for the first time (Table 1). Information is also provided for 20 events where implementation of recommendations has continued since the last progress report (Table 2). Most reviews were conducted at sites on the National Priorities List (NPL); some were conducted at non-NPL sites such as sites from the Brownfields and Underground Storage Tank programs.

**Table 1: New Optimization Events Included in this Progress Report**

State	Optimization Event	FY Complete	Optimization Focus	Total Optimization Events
<b>Region 1</b>				<b>6</b>
MA	Baird & McGuire	2013	R	
ME	Eastern Surplus	2012	R	
MA	Groveland Wells No. 1 & 2	2013	L	
MA	Groveland Wells No. 1 & 2	2014	L	
NH	Ottati & Goss/Kingston Steel Drum	2014	R, L	
MA	Baird & McGuire	2013	R	
<b>Region 2</b>				<b>3</b>
NJ	MetalTec/Aerosystems	2012	L	
NY	Richardson Hill Road Landfill/Pond and Sidney Landfill Site	2012	I, R	
NJ	Rockaway Borough Well Field, OU 2	2012	L	
<b>Region 3</b>				<b>3</b>
PA	Fischer & Porter Co.	2014	R	
PA	North Penn – Area 6	2012	R	
VA	Peck Iron and Metal	2013	I	
<b>Region 6</b>				<b>6</b>
TX	East 67th Street Ground Water Plume	2012	D	
NM	Homestake Mining Co.	2011	R	
TX	Jones Road Ground Water Plume	2014	D	
TX	Sandy Beach Road Ground Water Plume	2014	D	
TX	State Road 114 Groundwater Plume	2014	R	
OK	Tar Creek (Ottawa County), OU 4	2014	R	
<b>Region 7</b>				<b>5</b>
IA	Fairfield Coal Gasification Plant	2012	L	
NE	Hastings Ground Water Contamination	2013	R	
MO	Lee Chemical	2012	L	
IA	Railroad Avenue Groundwater Contamination	2014	R	
MO	Valley Park TCE	2013	I, L	
<b>Region 8</b>				<b>8</b>
SD	Batesland (Former Mobil Gas Station)	2013	I, D	
MT	Burlington Northern (Somers Plant) (BNSF Railway)	2015	R	
UT	Former Old Hilltop	2013	I, D	
SD	Gilt Edge Mine	2013	R	
UT	Intermountain Waste Oil Refinery (IWOR)	2011	R	

State	Optimization Event	FY Complete	Optimization Focus	Total Optimization Events
MT	Lockwood Solvent Ground Water Plume, OU 2	2014	I, D	
SD	Pine Ridge Oil	2013	I, D, R	
CO	Standard Mine	2014	D	
<b>Region 9</b>				<b>6</b>
AZ	Davis Chevrolet/Nav 185 Site	2013	I, D, R	
CA	Intel Magnetix	2013	L	
CA	Middlefield-Ellis-Whisman (MEW) Study Area	2012	D	
AZ	Painted Desert Inn/Nav 049 Site	2013	I, D, R	
CA	Sulphur Bank Mercury Mine	2015	R	
AZ	Telles Ranch/CRIT 002	2013	D, R	
<b>Region 10</b>				<b>4</b>
OR	Black Butte Mine	2012	I	
ID	Bunker Hill Mining & Metallurgical Complex, OU 2	2013	R	
WA	Moses Lake Wellfield Contamination	2015	I	
WA	Palermo Well Field Ground Water Contamination	2012	R	
<b>TOTAL</b>				<b>41</b>

\* FY Complete indicates the Fiscal Year of the final optimization report.

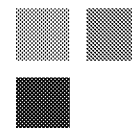
\* I = Investigation, D = Design, R = Remedy, L = Long-Term Monitoring; a single event may have recommendations that fall into more than one focus area.

**Table 2: Updated Sites Included in this Progress Report**

State	Optimization Event	FY Complete	Optimization Focus	Total Optimization Events
<b>Region 2</b>				<b>3</b>
NY	GCL Tie and Treating Inc.	2007	R	
VI	Tutu Wellfield	2012	R	
NJ	Vineland Chemical Co., Inc.	2012	R	
<b>Region 3</b>				<b>1</b>
PA	Mill Creek Dump	2010	R, L	
<b>Region 4</b>				<b>3</b>
FL	Alaric Area GW Plume	2010	R	
FL	American Creosote Works, Inc. (Pensacola Plant)	2006	R	
NC	Benfield Industries, Inc.	2007	R	
<b>Region 5</b>				<b>5</b>
MN	Baytown Township Ground Water Plume	2011	R	
WI	Moss-American Co., Inc. (Kerr-McGee Oil Co.)	2011	R	
MI	Ott/Story/Cordova Chemical Co.	2002	R	
MI	Wash King Laundry	2011	R	
IN	Reilly Tar & Chemical Corp. (Indianapolis Plant)	2004	R	
<b>Region 7</b>				<b>2</b>
NE	10 <sup>th</sup> Street Site	2010	R	
KS	57 <sup>th</sup> and North Broadway Streets Site	2006	R	
<b>Region 8</b>				<b>1</b>
CO	Central City, Clear Creek	2007	R	
<b>Region 9</b>				<b>2</b>
CA	Modesto Ground Water Contamination	2002	R	
CA	Pemaco Maywood	2011	R	
<b>Region 10</b>				<b>3</b>
WA	Boomsnub/Airco	2002	R	
WA	Colbert Landfill	2011	R	
OR	Northwest Pipe and Casing/Hall Process Company	2007	R	
<b>TOTAL</b>				<b>20</b>

\* FY Complete indicates the Fiscal Year of the final optimization report.

\* I = Investigation, D = Design, R = Remedy, L = Long-Term Monitoring; a single event may have recommendations that fall into more than one focus area.



## 1.2 Project Background

EPA's Office of Land and Emergency Management (OLEM), formerly the Office of Solid Waste and Emergency Response (OSWER), developed the pilot Fund-lead P&T optimization initiative as part of the *FY 2000-FY 2001 Superfund Reforms Strategy* (EPA, 2000). Optimization is intended to facilitate systematic review and modification of planned and operating remediation systems to promote continuous improvement and to ensure overall remedy protectiveness and cost effectiveness. In the Superfund program, many optimization evaluations utilize the Remediation System Evaluation process, a tool developed by the U.S. Army Corps of Engineers (USACE) that EPA has further refined through application at Superfund sites.

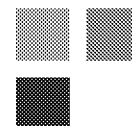
The pilot phase of the optimization initiative demonstrated that optimization reviews offered measurable benefits in the form of cost savings and improved remediation system performance (EPA, 2005). In August 2004, EPA developed the Action Plan (EPA, 2004) to further implement important lessons learned from the pilot phase and fully integrate optimization into the Superfund cleanup process, where appropriate. Among other actions, this plan envisioned the development of routine progress reports concerning the implementation of recommended system changes.

Since the creation of the Action Plan, the Superfund program has consistently developed best practice tools and approaches that apply optimization concepts to sites earlier in the investigation and cleanup process. In late 2010, EPA initiated the development of the Strategy to increase the capacity for conducting optimizations and to extend optimization to all phases of the Superfund pipeline. The Strategy, issued in September 2012 (EPA, 2012b), expands and formalizes optimization practices from site assessment to site completion as an operating business model for the Superfund program. Widespread implementation of optimization review recommendations and best practices could assist EPA in achieving the goals of the *Superfund Remedial Program Review (SPR) Action Plan* (EPA, 2013a). Optimization reviews contribute to the following SPR Action Plan goals:

- More efficient use of constrained budgetary resources.
- Integrating remedial design and remedial action.
- Integrating adaptive management throughout the remedial process.
- Streamlining processes.
- Leveraging resources.

The Strategy encourages overarching process changes in program management and implementation, as well as site-level project management. These changes are intended to instill routine and frequent assessment of site cleanup progress, improve technical performance, reduce costs, and refine business practices including acquisition strategies and contracts management. The Strategy emphasizes incorporating optimization principles throughout the cleanup process from site assessment through site completion. Progress on the implementation of the Strategy is summarized in Section 3.0 and discussed in more detail in Appendix A of this report.

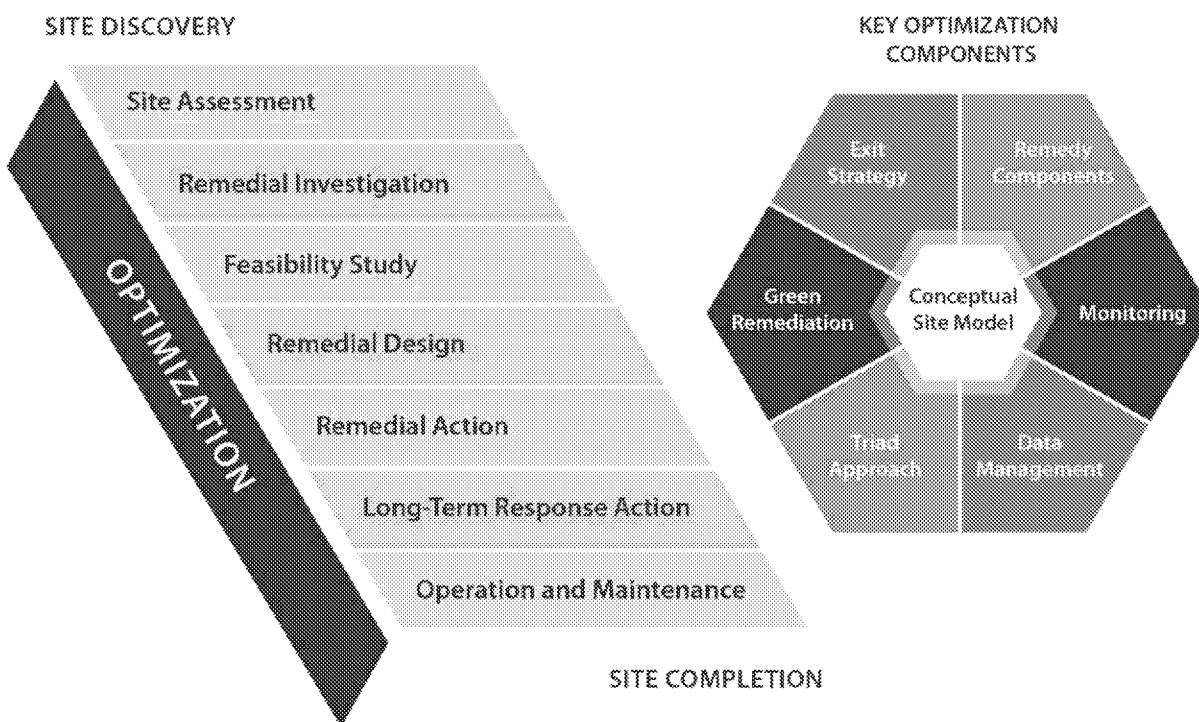
Sites are selected for optimization reviews collaboratively, based on input from EPA Headquarters (EPA HQ), RPMs, regional management, Regional Optimization Liaisons (ROLs), and stakeholders.



The optimization teams consist of an EPA HQ lead, the ROL, and a team of technically qualified individuals from within EPA, USACE, or one of EPA's pool of contractors with the qualifications necessary to conduct the optimization review. The site team consists of the RPM, regional technical support staff such as a hydrogeologist, state personnel, tribes, potentially responsible parties (PRPs), contractors, and other stakeholders such as community representatives. The reasons for conducting an optimization review vary and can include the following: (1) uncertainty regarding the current CSM; (2) highly complex site conditions with multiple sources, multiple contaminant plumes, or significant subsurface heterogeneity; (3) increasing investigative costs or expanding the scope of the investigation; (4) lack of progression to the next phase in the Superfund pipeline; (5) concerns regarding planned or existing remedy performance, effectiveness, or cost; (6) need to obtain an independent assessment of a remedial design; (7) interest in applying innovative strategies or technologies; (8) not achieving the goals of the remedy as anticipated; (9) exploring the opportunity to reduce monitoring points and costs; (10) a need to expedite the time frame for property redevelopment; (11) a need to reduce energy and effort and enhance efficiency; and (12) a need to develop or refine the completion strategy.

Figure 1 depicts the key components of optimization and the remedial pipeline phases at which optimization can be applied.<sup>1,2</sup>

**Figure 1: Key Optimization Components and Superfund Pipeline Activities**



Source: Adapted from EPA 2012b.

<sup>1</sup> See CFR, title 40, sec 300, Subpart E, for details regarding the phases of the Superfund pipeline

<sup>2</sup> Information about the seven key components can be found at [www.epa.gov/superfund/cleanup-optimization-superfund-sites](http://www.epa.gov/superfund/cleanup-optimization-superfund-sites)



Early in the optimization program, the reviews centered on Fund-lead groundwater P&T remedies and primarily focused on the constructed remedy and long-term monitoring. In more recent years EPA has found that, consistent with the goals of the Strategy, optimization reviews are conducted at any phase of the Superfund pipeline. In general, the recommendations made in an optimization review cover one of four optimization focus areas: investigation, design, remedy and long-term monitoring.<sup>3</sup> Optimization review teams usually include an evaluation of the CSM for each site, and make recommendations related to investigation activities when needed. This practice continues as EPA has learned that a continual focus on CSMs is valuable in assisting site teams in improving site remedy performance and progress, no matter the phase of the Superfund pipeline or the focus of the optimization review of the site.<sup>4</sup>

EPA has conducted a total of 194 optimization and technical support events from FY 1997 through FY 2015 (Table 3). A list of these optimization and technical support events is provided in Appendix B. From FY 1997 through FY 2010, EPA completed 94 optimization and technical support events, averaging seven events per year. From FY 2011 through FY 2015, with the implementation of the Strategy, EPA completed 100 optimization and technical support events, averaging 20 events per year. Through implementation of the Strategy, EPA has nearly tripled the number of optimization reviews and technical support projects it completes each year. Accordingly, EPA has expanded the benefits from optimization and technical support to a much larger universe of sites.

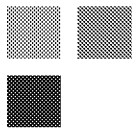
**Table 3: Completed Optimization and Technical Support Events FY 1997 - FY 2015**

Region	Number of Events 1997 - 2010	Number of Events 2011 - 2015	Total Events 1997 - 2015	% per Region
1	10	7	17	9%
2	12	12	24	12%
3	18	6	24	12%
4	11	1	12	6%
5	12	4	16	8%
6	5	11	16	8%
7	6	13	19	10%
8	4	12	16	8%
9	6	20	26	13%
10	10	14	24	12%
<b>TOTAL</b>	<b>94</b>	<b>100</b>	<b>194</b>	<b>100%</b>

In addition to expanding the program, EPA has implemented innovative approaches to optimization, such as reviewing a portfolio of sites located in a common geographic area. Coordinating site visits reduces costs associated with travel and deployments of personnel. EPA has also targeted

<sup>3</sup> Note the focus area of the optimization review does not necessarily line up with the Superfund pipeline phase. An optimization may be characterized as a remedy review even if the site is in O&M if the recommendations focus on the operating remedy.

<sup>4</sup> See factsheet: *Environmental Cleanup Best Management Practices: Effective use of the Project Lifecycle Conceptual Site Model* (EPA, 2011)



optimization and technical support activities at certain types of sites, with the most recent example being the mining site optimization pilot. This focused pilot effort was initiated based on the recognition that mining sites constitute some of the largest, costliest, most complex and longest-duration cleanups and can benefit from optimization. The treatment of mining influenced waters (MIW) is required at many mining sites and can be costly, making these sites good candidates for optimization and technical support projects.

EPA has continued to make improvements to the optimization program. These improvements are discussed in Section 3.0, Summary of Progress on Implementing the National Optimization Strategy.

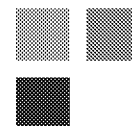
## 2.0 SUMMARY OF RECOMMENDATION IMPLEMENTATION PROGRESS

Implementing recommendations from optimization reviews can result in improved: (1) understanding of the site conditions, (2) designs for remedies, or (3) operations of remediation systems, depending on the type of optimization review conducted and the phase of the Superfund pipeline. Optimization reviews typically identify a number of opportunities for improvements in the following five categories:

- Remedy effectiveness.
- Cost reduction.
- Technical improvement.
- Site closure.
- Green remediation.

A total of 61 optimization events are included in this report—41 new optimization events (Table 1) and 20 optimization update events from previous years (Table 2). EPA worked closely with regional staff including RPMs and ROLs to collect information on the status of the recommendations for each of the 61 optimization reviews. Sources of information for this report included information from RPMs, site-specific optimization reports, optimization recommendation follow-up recorded in past annual reports, and follow-up information provided in the most recent data collection effort.

Section 2.1 summarizes the overall progress in implementing each of the recommendations by category without regard to the optimization focus area; provides the status of implementation for each of the five recommendation categories; presents specific project highlights for the five recommendation categories; and examines the tools and techniques recommended in optimization reviews that have led to positive outcomes. Section 2.2 summarizes investigation type, design type, remedy type and long-term monitoring (LTM) type recommendations and presents specific project highlights. Section 2.3 presents the list of events and sites that are no longer subject to follow up. Section 2.4 presents specific project highlights for technical support events.



## 2.1 Overview of Progress

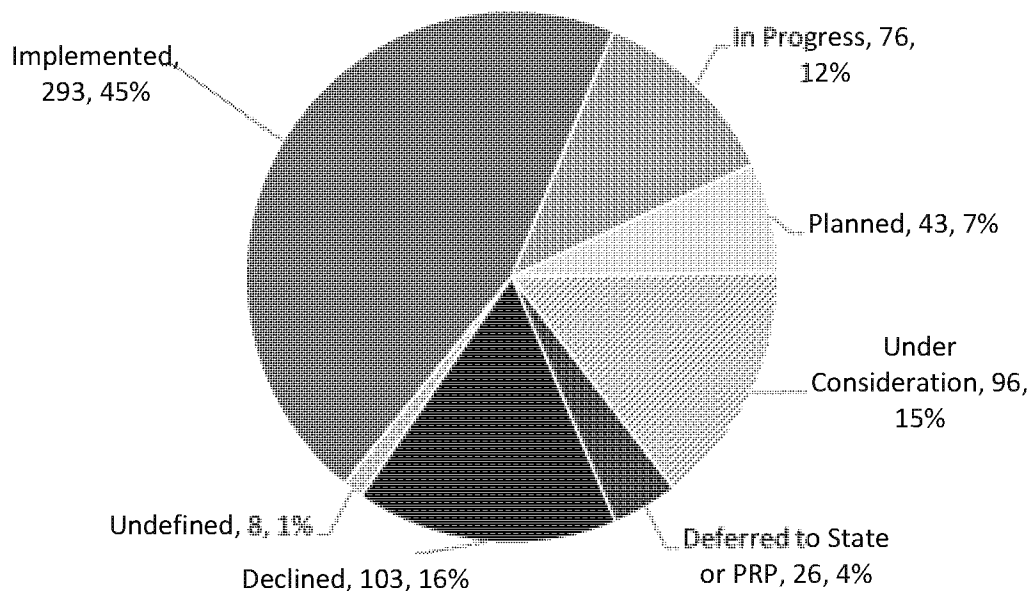
As shown in Figure 2, completed optimization reviews for the 61 optimization events included in this report identified a total of 645 optimization recommendations.

Overall, 64 percent of optimization recommendations have been implemented, are in progress, or are planned, and another 15 percent are under consideration. Only 16 percent of optimization recommendations were declined. Recommendations can be declined for a number of reasons including changed site conditions or selection of one option when several are offered. A small number of recommendations (4 percent) were deferred to the state or PRP for action.

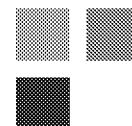
Recommendations are deferred to the state or PRP when site activities are their responsibility and the remedy is protective. In these cases the recommendations are provided as suggestions for improvements to be addressed at the discretion of the state or PRP. No information was provided for one percent of the recommendations, labeled as undefined. These results demonstrate that optimization review teams continue to evaluate site conditions and put forth reasonable recommendations for making improvements and that site teams are open to suggestions for improvement.

**Figure 2: Overall Status of all Optimization Recommendations**

Total Number of Recommendations = 645



Information about the overall progress for each recommendation type, remedy effectiveness, cost reduction, technical improvement, site closure, and green remediation is presented in Sections 2.1.1 through 2.1.5. For each recommendation type, specific project examples are included that highlight progress. Information about how various tools and techniques were recommended as part of optimization events and how beneficial outcomes were achieved by implementing the optimization recommendations is summarized in Section 2.1.6.

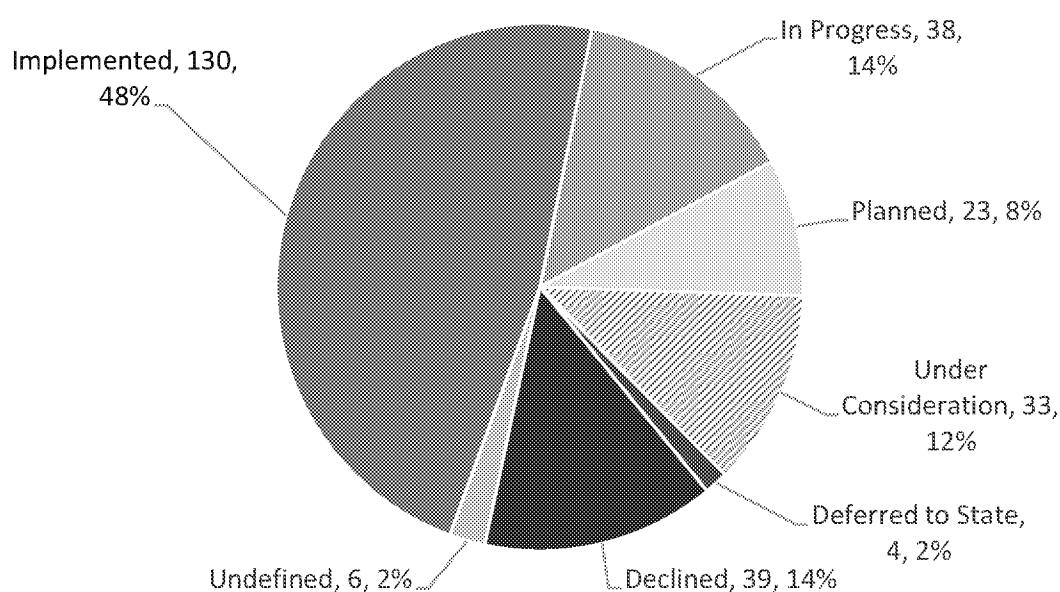


### 2.1.1 Remedy Effectiveness

The majority of optimization recommendations (273 of the 645) fall into the remedy effectiveness category. As shown in Figure 3, 70 percent of the recommendations for remedy effectiveness have been implemented, are in progress, or are planned, and another 12 percent are still under consideration. Only 14 percent of optimization recommendations in the remedy effectiveness category were declined.

**Figure 3: Remedy Effectiveness Implementation Status**

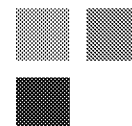
Total Number of Recommendations = 273



Examples of remedy effectiveness recommendations include the following:

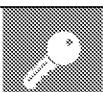
- Improvements in the CSM through additional characterization of sources and environmental media.
- Changes in remedial approach to address subsurface contamination.
- Changes in management approach.
- Improvements to the performance of an existing system.
- Identification and reduction of risk.

Highlights 1 and 2 for Baytown Township and Benfield Industries, Inc. provide examples of remedy effectiveness recommendations.



## Highlight 1: Remedy Effectiveness

Baytown Township Ground Water Plume Site, Lake Elmo, Minnesota



### KEY CHALLENGES

- Contaminant mass in subsurface not adequately addressed by P&T
- Source not adequately characterized
- Sampling groundwater by pumping expensive to implement
- Data not easily retrievable



### PRIMARY RECOMMENDATIONS

- Consider implementing technologies to remove contaminant mass in subsurface
- Use Membrane Interface Probe (MIP) to assess the source mass distribution
- Consider use of passive methods to collect groundwater samples where appropriate
- Use existing electronic data management system to improve data retrieval

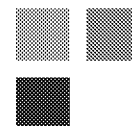


### IMPLEMENTATION OUTCOMES

- Changed remedial approach for groundwater by adopting in situ chemical oxidation (ISCO) followed by in situ bioremediation (ISB) using Enhanced Reductive Dechlorination (ERD)
- Performed MIP assessment of source zone in 2012
- Using electronic database software to store and retrieve data

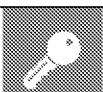
The Baytown Superfund site involves groundwater contamination with trichloroethene (TCE) attributed to a former metal working facility. The selected remedy initially included a groundwater P&T system, granular activated carbon (GAC) units for affected private wells, and a long-term monitoring program to assess the effectiveness of the P&T system. A pilot test for ISCO conducted before the optimization review showed promising results for reducing subsurface contaminant concentrations in the source area. The pilot study was conducted in recognition that P&T alone would take a long time to reach Remedial Action Objectives (RAOs) if the source zone remained untreated.

The optimization review, completed in FY 2011, recommended additional source characterization, full-scale implementation of ISCO in the source area with continued operation of the P&T system, and consideration of ISB using ERD. The optimization review also recommended improvements to monitoring such as using passive sampling techniques for collecting groundwater samples and improving data management. ISCO and ERD have been implemented at the site to address the subsurface source zone and groundwater contamination, and data and chain-of-custody are managed electronically.



## Highlight 2: Remedy Effectiveness

Benfield Industries, Inc. Site, Waynesville, North Carolina



### KEY CHALLENGES

- Several carcinogenic polycyclic aromatic hydrocarbons (PAHs) have been detected above cleanup levels in one monitoring well



### PRIMARY RECOMMENDATIONS

- Identify additional areas of PAH contamination and consider use of ISCO and in situ enhanced bioremediation (ISEB)
- Consider Monitored Natural Attenuation (MNA) as a groundwater remedial strategy rather than the existing groundwater system
- Document the rationale for eliminating metals analysis; conduct a background study if needed

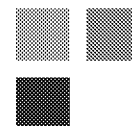


### IMPLEMENTATION OUTCOMES

- Changed remedial strategy from P&T to in situ treatment of source contamination documented in a Record of Decision Amendment (ROD Amendment) in FY 2015
- Planning for additional confirmatory sampling and documentation of rationale for stopping metals analysis

The Benfield Industries site occupies a 6-acre parcel in Waynesville, North Carolina, that was once used as a bulk chemical mixing and packaging facility. A fire destroyed the facility in 1982. Site investigations conducted after the fire identified soil and groundwater contamination. The specified soil remedy included excavation, ex-situ physical and biological treatment, and on-site backfill. For groundwater, the specified remedy was hydraulic containment and plume remediation by groundwater extraction, with discharge of untreated groundwater to the Waynesville publicly owned treatment works (POTW). The soil remedy was implemented between 1997 and 2000. The groundwater extraction system began operating in April 2001. The extraction system was shut down on June 1, 2007 and has not been restarted.

The optimization review completed in FY 2007 recommended consideration of MNA as the groundwater remedy, additional source characterization, and possible implementation of ISCO in the source area with ISEB for polishing. MNA was evaluated and additional site investigations were conducted. These studies resulted in ISCO in combination with ISEB being selected in the September 2015 ROD Amendment as the recommended remedy. EPA has stated that an anticipated benefit of remediating the residual soil contamination is that the injected oxidant will also destroy the contaminants that have already migrated into the groundwater. Therefore, it is expected that with the successful treatment of this residual soil contamination, neither an active groundwater remedy nor MNA will be necessary for this site. Additional sampling will be conducted to confirm that metals analysis is no longer required.



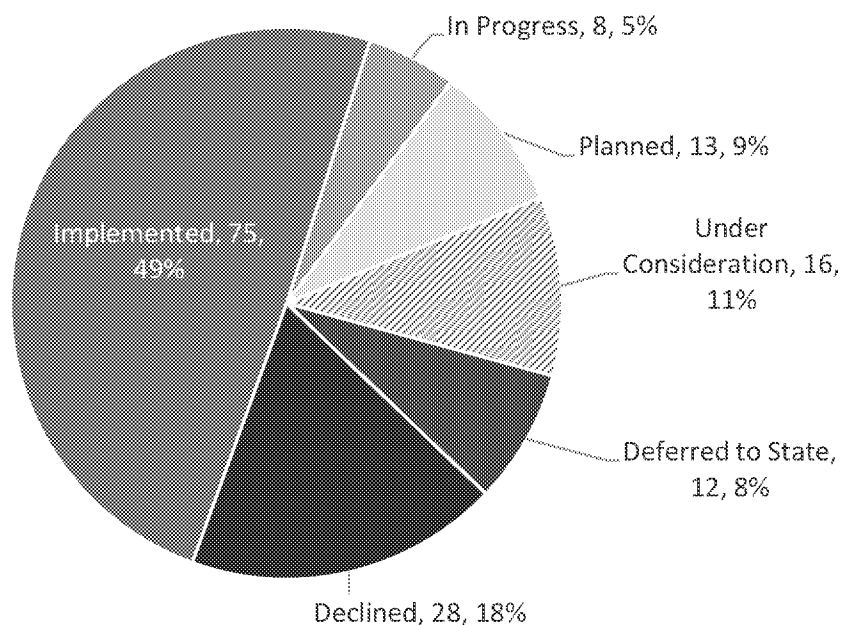
## 2.1.2 Cost Reduction

Optimization recommendations pertaining to cost reduction may cover many aspects of system operation, including the use of specific treatment technologies, operator and laboratory labor, reporting, and project management. More than 60 percent of optimization recommendations for cost reduction have been implemented, are in progress, or are planned, and another 11 percent are still under consideration (Figure 4). Only 18 percent of optimization recommendations in the cost reduction category were declined.

Cost savings for this report were estimated as one-time cost savings or multiple year annual cost savings. It should be noted that a short-term investment may be required to realize longer-term cost savings. In addition, cost savings in the form of cost avoidance are often realized but are difficult to quantify. Optimization reviews continue to identify many opportunities to reduce on-site labor without affecting remedy performance. Such reductions may be possible following system shakedown, when a remedy is designated as operational and functional. Furthermore, some treatment components may become inefficient or unnecessary as a result of changing site conditions or overly conservative estimates used during the design phase. Simplifying a treatment system under such conditions has resulted in cost savings associated with reduced material costs, decreased energy usage, and reduced labor cost for maintaining or improving remedy performance.

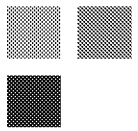
**Figure 4: Cost Reduction Implementation Status**

Total Number of Recommendations = 152



Examples of cost reduction recommendations include the following:

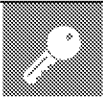
- Automate systems to reduce labor costs.
- Streamline monitoring to reduce laboratory and reporting costs.
- Simplify treatment systems to reduce operating costs.



Highlights 3 and 4 for State Road 114 Groundwater Plume and Wash King Laundry provide examples of cost reduction recommendations.

## Highlight 3: Cost Reduction

State Road 114 Groundwater Plume Site, Levelland, Texas



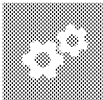
### KEY CHALLENGES

- Groundwater system operates at high cost and high energy usage
- Significant amount of treated water is recaptured, increasing the volume extracted
- On-site extraction wells pump less volume than designed because of significant fouling issues



### PRIMARY RECOMMENDATIONS

- Eliminate the use of cryogenic-cooling and compression (C3) units
- Streamline groundwater monitoring
- Eliminate the use of on-site extraction wells
- Consider use of passive methods to collect groundwater samples



### IMPLEMENTATION OUTCOMES

- Eliminated C3 units for a savings of approximately \$1.8 million/year
- Reduced monitoring by eliminating wells for a savings of \$84,000/year
- Reduced rehabilitation costs by eliminating on-site extraction wells for a savings of \$91,500/year
- Significantly reduced environmental footprint (86-95 percent reduction)
- Reduced reporting costs by \$24,000/year

The State Road 114 Groundwater Plume Superfund site is located west of the City of Levelland in Hockley County, Texas. The site consists of a groundwater plume more than a mile long primarily consisting of 1,2-dichloroethane and benzene contamination. The source of the groundwater contamination is a former petroleum products refinery. The selected remedy included a groundwater P&T system, air stripping and GAC units for off-gas treatment. A soil vapor extraction (SVE) system is in place in the defined light non-aqueous phase liquid (LNAPL) area. The C3 unit is used for compression, cooling and condensing vapors from the SVE system to capture volatile organic compounds (VOCs) as NAPL.

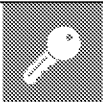
The optimization review completed in FY 2014 confirmed the site team's suggestion to shut down the shallow SVE system eliminating one of the C3 units. Other recommendations that were implemented included treating the air-stripper off-gas with vapor GAC, eliminating the need for the Munster concentrator and another of the C3 units, and replacing the remaining three C3 units for treatment of the deep SVE vapors with a regenerative thermal oxidizer resulting in lower costs and energy usage. Elimination of the C3 units reduced: (1) global warming potential footprint from 1,969 tons to 270 tons (86 percent reduction); (2) total energy use from 41,726 million British thermal units (MMBtu) to 3,639 MMBtus (91 percent reduction); and (3) total nitrogen oxides, sulfur oxides, and particulate matter emissions footprint from 35,965 pounds to 1,673 pounds (95 percent reduction). Strategic sampling is employed as recommended through the reduction of



metals sampling, which allows for all VOC sampling at monitoring wells to be conducted with passive diffusion bags, except for infrequent events where other sampling approaches can be employed. Costs were further reduced by eliminating the need for rehabilitation of the extraction wells taken out of service and decreasing reporting. Implementation of additional recommendations is planned which will further reduce costs including reducing the level of effort for the plant operator and operating with only one air stripper.

## Highlight 4: Cost Reduction

Wash King Laundry Site, Pleasant Plains Township, Michigan



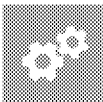
### KEY CHALLENGES

- Reducing costs of operation of groundwater treatment system and monitoring program
- Identifying additional source areas



### PRIMARY RECOMMENDATIONS

- Consider modifying groundwater monitoring program; reduce or eliminate metals analysis
- Discontinue pumping at extraction well EW-4
- Investigate sources in the lagoon area

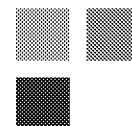


### IMPLEMENTATION OUTCOMES

- Reduced costs \$30,000/year by modifying the groundwater monitoring program
- Discontinued pumping at EW-4
- Achieved progress on identifying sources in the lagoon area

The Wash King Laundry site is located south of the city of Baldwin in Pleasant Plains Township, Lake County, Michigan. As part of the laundry operations/services, dry cleaning was conducted, which included the use of the solvent tetrachloroethene (PCE). The optimization review completed in FY 2011 focused on all aspects of site remediation including the P&T system, SVE system, in situ bioremediation, and site-wide monitoring program.

On recommendation of the optimization review, pumping at extraction well EW-4 was discontinued. Extraction well EW-1 appears to have successfully captured much of the contamination that would migrate to EW-4, and the VOC concentrations at EW-4 and nearby monitoring wells MW-301S and MW-301D are routinely below cleanup levels. In addition, as recommended, the monitoring program was restructured to allow strategic sampling to fully track the progress of the remediation while reducing the number of sampling locations and frequency as appropriate. Progress has been made in identifying the additional source areas by conducting additional investigation as recommended in the optimization review.

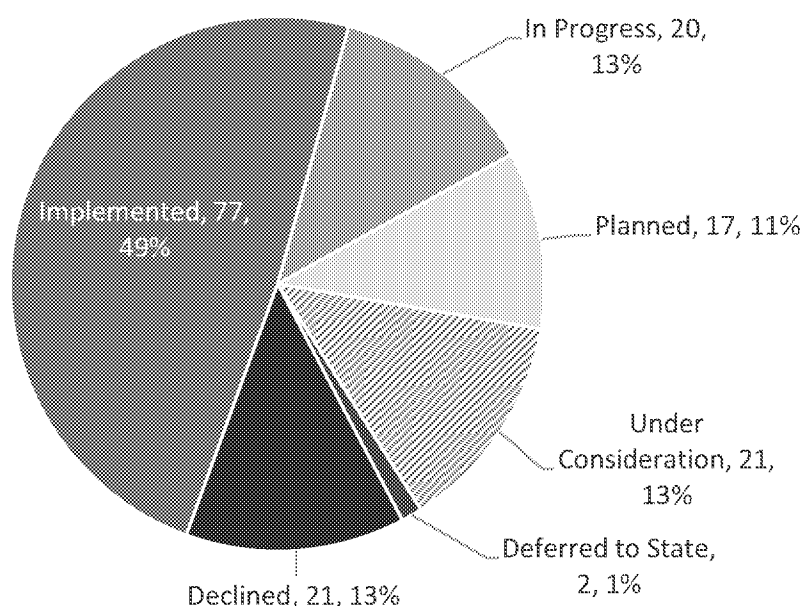


### 2.1.3 Technical Improvement

Technical improvement recommendations cover a wide range of items to improve overall site operations and usually relate to improving existing systems. These recommendations are generally easy to implement, require minimal funding, and are not typically contingent on other recommendations. More than 70 percent of optimization recommendations for technical improvement have been implemented, are in progress, or are planned, and another 13 percent are under consideration (Figure 5). Only 13 percent of optimization recommendations in the technical improvement category were declined. Some recommendations for technical improvement were not implemented because they addressed an existing component that was likely going to be changed based on remedy effectiveness recommendations.

**Figure 5: Technical Improvement Implementation Status**

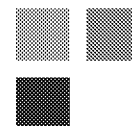
Total Number of Recommendations = 158



Examples of technical improvement recommendations include the following:

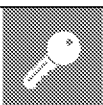
- Reconfigure components of the treatment train.
- Inspect and then clean, repair, or replace faulty equipment.
- Rehabilitate fouled extraction or injection wells.
- Consider more efficient pumps and blowers.

Highlights 5 and 6 for Sandy Beach Groundwater Plume and Gilt Edge Mine provide examples of technical improvement recommendations.



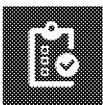
## Highlight 5: Technical Improvement

Sandy Beach Ground Water Plume Site, Pelican Bay, Texas



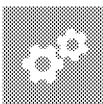
### KEY CHALLENGES

- Multiple data gaps affecting the CSM and design of the source remedies including:
  - Uncertainty about materials remaining in the source area
  - Distribution of TCE in shallow and saturated soils of varying porosity
  - Impact of ISB treatments on water quality
  - Effect of back-diffusion from low permeability deposits on the dissolved phase plume



### PRIMARY RECOMMENDATIONS

- Conduct additional ISB pilot test to evaluate effectiveness as a source area remedy and secondary impacts to water quality
- Implement remedy performance monitoring



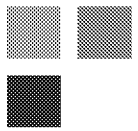
### IMPLEMENTATION OUTCOMES

- ISB pilot test completed during the remedial design
- Implementation of ongoing remedy performance monitoring

The Sandy Beach Ground Water Plume Superfund site involves groundwater contamination with TCE attributed to a former unpermitted landfill. The selected remedy included a groundwater P&T system, installation of filtration units for affected residential wells or replacement with municipal water supply connections, SVE, and ISB.

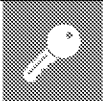
The optimization review completed in FY 2014 recommended prioritizing and sequencing remedial activities, additional source characterization, an additional ISB pilot test, modifying the scale and design of the P&T system to improve the efficacy of plume hydraulic control, and long-term monitoring program to confirm control of the plume and the performance of aggressive source remediation.

Remediation of the source area was prioritized and began in September 2015. Trenching and sampling in the area of the site slated for SVE was conducted to determine if there was another potential source in that area. Source area saturated zone soils were characterized using a photoionization detector on roto-sonic cores. The ISB pilot test was completed during the remedial design and the full-scale implementation of ISB was scheduled to begin January 2016. Remedy performance monitoring is ongoing and includes collection of vapor samples from individual SVE wells, groundwater samples from SVE wells, and performance monitoring of the system.



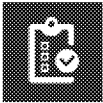
## Highlight 6: Technical Improvement

Gilt Edge Mine Site, Northern Black Hills, South Dakota



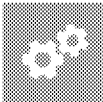
### KEY CHALLENGES

- High labor costs for monitoring Hoodoo Gulch Collection Facility
- Need alternatives for addressing high sulfate water
- Various minor issues related to source control such as uncaptured seeps



### PRIMARY RECOMMENDATIONS

- Upgrade the Hoodoo Gulch Collection Facility
- Operate the water treatment plant (WTP) in batch mode to reduce staffing and vehicle leases
- Implement minor WTP changes:
  - Consider feeding lime only at one location to simplify the control of the WTP and to optimize lime dosing
  - Install orifice plates in the influent lines to each filter to control rates
  - Install a backup filter feed pump
- Implement planned Operable Unit (OU) 01 source control remedy to address other challenges after upgrade to Hoodoo Gulch Facility

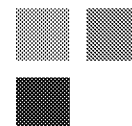


### IMPLEMENTATION OUTCOMES

- Communication and remote monitoring systems are being added to Hoodoo Gulch
- Automation upgrades are in process
- Modified WTP flow rate for more effective removal of sulfate in clarifier
- Installed the backup filter feed pump and upgraded filter valves to prepare for automated operation

Mining activities at the Gilt Edge Mine resulted in the contamination of surface water, groundwater, soil and sediment at the site. The surface water and groundwater remedy consists of the WTP, which treats acid rock drainage collected at the site. The selected remedy in the 2001 Interim Record of Decision (ROD) for OU 02 included collecting and conveying the acid rock drainage seep and surface water flow to the WTP, and treating acid rock drainage at the WTP with a lime-based precipitation process. An additional purpose of the Interim ROD actions was to reduce WTP operating costs.

The optimization review completed in FY 2013 recommended the consideration of alternative treatment options for the remaining high-sulfate acid rock drainage, upgrading the Hoodoo Gulch collection facility and other collection and WTP facilities prior to implementation of the OU 01 remedy, reducing the labor force, eliminating overnight staffing and operating the WTP in batch mode, implementing minor WTP changes and not rebuilding or relocating the WTP. The optimization review triggered modifications to the WTP flow rate which allowed for the more effective removal of sulfate in the clarifier. The backup filter feed pump and upgraded filter valves were installed to prepare for automated operation. Automation upgrades at the WTP are in progress, which will allow for the elimination of nighttime staffing, while still allowing the WTP to run full-time during wet years and run in batch mode during dry periods.

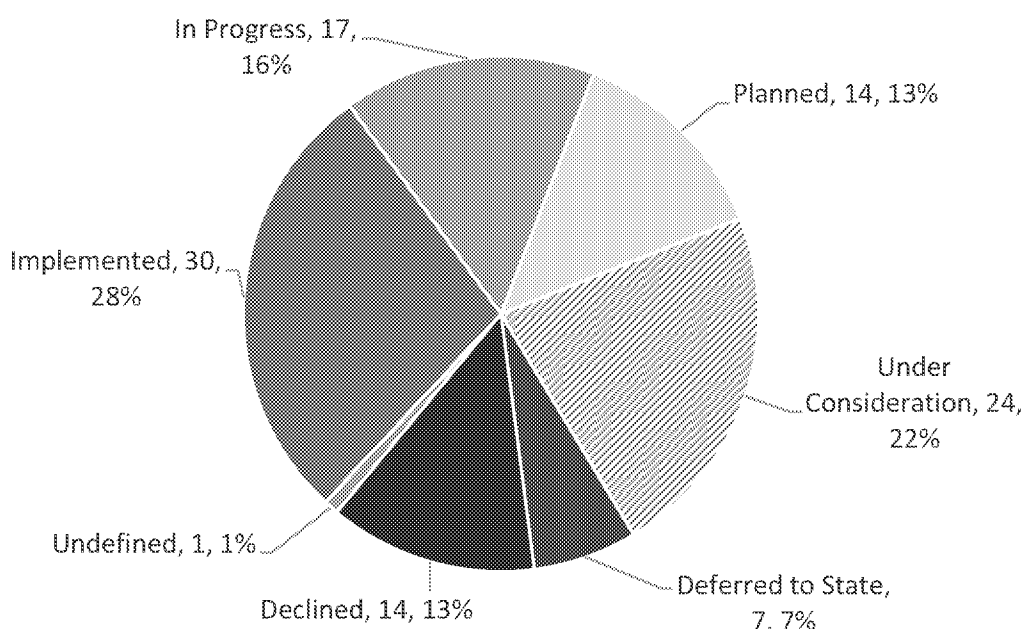


## 2.1.4 Site Closure

Optimization reviews continue to identify opportunities to accelerate progress toward achieving final cleanup goals and eventual site completion or closure. These recommendations most commonly involve developing a clear and comprehensive completion strategy and evaluating changes in the remedial approach in situations where the current remedy may no longer be the most effective approach. Nearly 60 percent of optimization recommendations for site closure have been implemented, are in progress, or are planned, and another 22 percent are still under consideration (Figure 6). Only 13 percent of optimization recommendations in the site closure category were declined.

**Figure 6: Site Closure Recommendation Implementation Status**

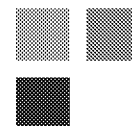
Total Number of Recommendations = 107



When considering site closure for groundwater sites, EPA's *Groundwater Remedy Completion Strategy* (EPA, 2014) and related guidance documents provide an approach and statistical tool for assessing when monitoring results indicate that cleanup levels are achieved and aquifer restoration is accomplished. A completion strategy "...is a recommended site-specific course of actions and decision-making processes to achieve groundwater RAOs and associated cleanup levels using an updated conceptual site model, performance metrics and data derived from site-specific remedy evaluations" (EPA, 2014). Using the completion strategy decision-making process will allow for the assessment of remedial performance and evaluation of whether a remedial action is working as anticipated or if the remedy selected in the decision document may need to be modified to achieve RAOs and associated cleanup levels. Such modifications have often included addressing additional source material or residual subsurface contamination.

Examples of site closure recommendations include the following:

- Further characterization of sources.

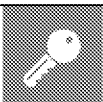


- Targeted treatment of remaining sources.
- Development of an exit strategy including performance metrics for determining achievement of RAOs.

Highlight 7 for Groveland Wells No. 1 & 2 provides an example of site closure recommendations.

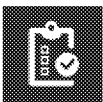
## Highlight 7: Site Closure

Groveland Wells No. 1 & 2 Site, Groveland, Massachusetts



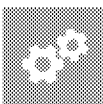
### KEY CHALLENGES

- Subsurface contamination difficult to remediate with P&T and SVE
- P&T would be required for a long period of time if subsurface source material remains untreated



### PRIMARY RECOMMENDATIONS

- Additional characterization of sources and groundwater
- More aggressive treatment of sources
- Close monitoring of groundwater P&T system after source treatment
- Develop P&T shutdown and restart criteria

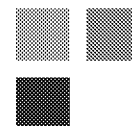


### IMPLEMENTATION OUTCOMES

- In situ thermal (IST) remedy implemented in subsurface source area
- P&T system monitored monthly for one year after IST implementation
- Shutdown and restart criteria developed for P&T system
- Increased groundwater monitoring demonstrated no rebound of TCE
- P&T system shut down in April 2014 and restart criteria have not been exceeded to date

Municipal supply wells in Groveland were contaminated by TCE in the late 1970s. The contamination was attributed to nearby Valley Manufactured Products. The PRP implemented an interim P&T remedy and used SVE in the source area from 1992–2002, which was unsuccessful. The PRP subsequently filed for bankruptcy and the site became a Fund-lead project. EPA and the State of Massachusetts operated the P&T system until 2014.

Several optimization reviews were conducted for the site. An optimization review conducted in 2002 led to additional source investigations, pilot testing, and a feasibility study (FS) which ultimately led to the selection and implementation of IST from 2010–2011 in the source area. An additional optimization review was conducted in 2012 before the P&T system was transferred to the state. The FY 2013 review recommended more frequent monitoring of the P&T system performance and monitoring network for one year to fully evaluate the impact of IST. An optimization review in FY 2014 recommended the development of P&T shutdown and restart criteria based on the effectiveness of IST and those recommendations were adopted. The P&T system was shut down in 2014 based on the shutdown criteria. The restart criteria have not been exceeded since the system was shut down.



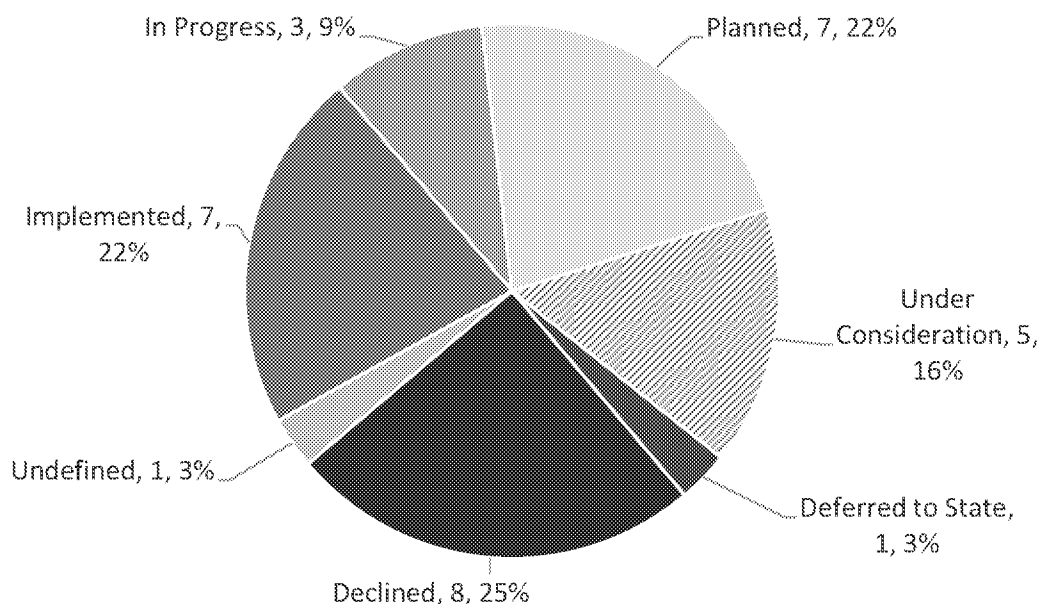
### 2.1.5 Green Remediation

Optimization reviews continue to identify opportunities to accelerate progress toward achieving green remediation and reductions in environmental footprints. Over 50 percent of optimization recommendations for green remediation have been implemented, are in progress, or are planned, and another 16 percent are still under consideration (Figure 7). A total of 25 percent of optimization recommendations in the green remediation category were declined.

It should be noted that recommendations for other optimization categories—remedy effectiveness, cost reduction, and technical improvement—often include opportunities for reductions in environmental footprint. EPA is also conducting environmental footprint analyses during the design-phase as technical support projects (see Section 2.4) to identify green remediation best management practices and to ensure remedy components are right-sized when implemented.

**Figure 7: Green Remediation Recommendation Implementation Status**

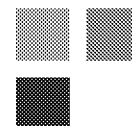
Total Number of Recommendations = 32



Examples of green remediation recommendations include the following:

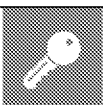
- Utilize local labor for site management and sampling to avoid air emissions associated with travel.
- Consider opportunities for renewable energy such as solar, wind, or renewable energy credits.
- Streamline the treatment train.
- Downsize pumps and blowers.

Highlight 8 for Pemaco Maywood provides an example of green remediation recommendations.



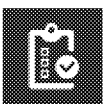
## Highlight 8: Green Remediation

### Pemaco Maywood Site, Maywood, California



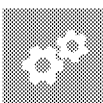
#### KEY CHALLENGES

- Modify remediation system now that significant mass reduction has occurred to address operational costs and energy use



#### PRIMARY RECOMMENDATIONS

- Reduce groundwater monitoring
- Shut down 6 of 8 dual phase extraction and SVE wells
- Remove one blower and replace other blower with a regenerative blower
- Remove the cooling tower, water softener, and water pressure booster



#### IMPLEMENTATION OUTCOMES

- Reduced electricity usage by reducing the operation of the system to one blower and by installing a variable frequency drive on the operating blower to reduce power consumption
- Reused equipment taken off-line for other projects and sold some equipment
- Reduced costs from \$58,000/month to \$25,000/month by modifying the groundwater monitoring program

The Pemaco Maywood site operated as a chemical blending and distribution facility from the late 1940s until June 1991. The site soils and groundwater were impacted by aromatic and chlorinated solvents, flammable liquids, specialty chemicals, and oils used and stored at the site. Hot spot removal and soil capping was conducted. A SVE, high-vacuum dual-phase extraction, and a groundwater extraction system were still in operation at the time of the optimization. Electric resistive heating had been conducted between September 2007 and April 2008.

All recommendations from the FY 2011 optimization review were implemented resulting in a reduced environmental footprint for the remediation system. The smaller environmental footprint resulted from reductions in electricity usage and air emissions by shutting down SVE wells and a blower, removing equipment, and fitting the operating blower with a variable frequency drive; reductions in energy use and air emissions associated with laboratory analysis from a decrease in groundwater and process monitoring; and reductions in fuel usage and air emissions from a decrease in operator labor and the number of visits per week.

### 2.1.6 Tools and Techniques Leading to Beneficial Outcomes

EPA conducted a more detailed analysis of the various tools and techniques included in optimization recommendations and of the beneficial outcomes achieved by implementing them. The tools and techniques identified by EPA, were grouped into seven categories as described in Table 4, with references to highlights that provide examples of sites where those tools and techniques are being implemented. These tools and techniques may be used separately; however, many are inter-related



and are often used together. The outcomes from the tools and techniques include improving remedy effectiveness, reducing costs, adding technical improvements to the remedy, accelerating the progress to site closure, and reducing the environmental footprint of remediation and operations.

**Table 4: Recommended Tools and Techniques Leading to Beneficial Outcomes**

Recommended Tools and Techniques	Description	Highlight References
<b>Use of Strategic Sampling Approaches</b>	Specific strategic sampling approaches apply to several types of characterization activities conducted on various environmental media and help improve the technical understanding of site conditions. These approaches include high-resolution site characterization for groundwater and incremental sampling for contaminated soil for improved characterization of source volumes and locations. Strategic sampling approaches can often lead to other beneficial results such as CSM improvements, the use of combined remedies, and right-sizing remedies.	1, 9, 18, 21
<b>CSM Improvements</b>	Improving the CSM can be achieved through additional characterization of sources and environmental media, such as groundwater, or by analyzing existing data with new tools, such as 3-dimensional visualization and analysis (3DVA). CSM improvements are best achieved through smart scoping and the use of strategic sampling approaches and incorporate improved data management.	1, 2, 4, 5, 7, 9, 10, 11, 12, 14, 15, 16, 19, 20, 21
<b>Improved Data Management</b>	Aspects of improved data management include improving data management planning, data acquisition, data processing, data analysis (using 3DVA), data preservation and storage, and data publication and sharing.	1, 21
<b>Improved System Engineering</b>	Improved system engineering includes modifying one or more engineered components of a remedial system to improve overall system performance. Improved system engineering can include right-sizing remedies which involves using a more targeted approach that applies technologies to a specific and well-defined area. Smart scoping, strategic sampling approaches, CSM improvement, and improved data management can facilitate right-sizing remedies.	3, 6, 8, 10, 11, 19
<b>Change in Remedial Approach</b>	Changes in remedial approach include adding or changing remedies to better address remaining contamination or newly identified areas of contamination. The recommendations provide improvements in remedy effectiveness, cost reductions, and the achievement of site closure in a shorter period of time.	1, 2, 4, 5, 7, 10, 13, 14, 15, 16, 19, 20
<b>Use of Combined Remedies</b>	Combined remedies include the concurrent use of more than one technology for different portions of contaminated media and the use of multiple technologies to address contaminated media at different points in time. Smart scoping, strategic sampling approaches, CSM improvements, and improved data management can facilitate the use of combined remedies.	1, 7, 12, 13, 19
<b>Streamlined or Improved Monitoring</b>	Streamlined or improved monitoring involves adjustments to monitoring frequency, monitoring locations, chemicals of concern analyzed, as well as the analysis of monitoring results over time. Streamlined or improved monitoring also addresses data management practices.	1, 2, 3, 4, 5, 8, 14, 17, 18

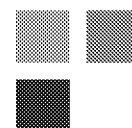
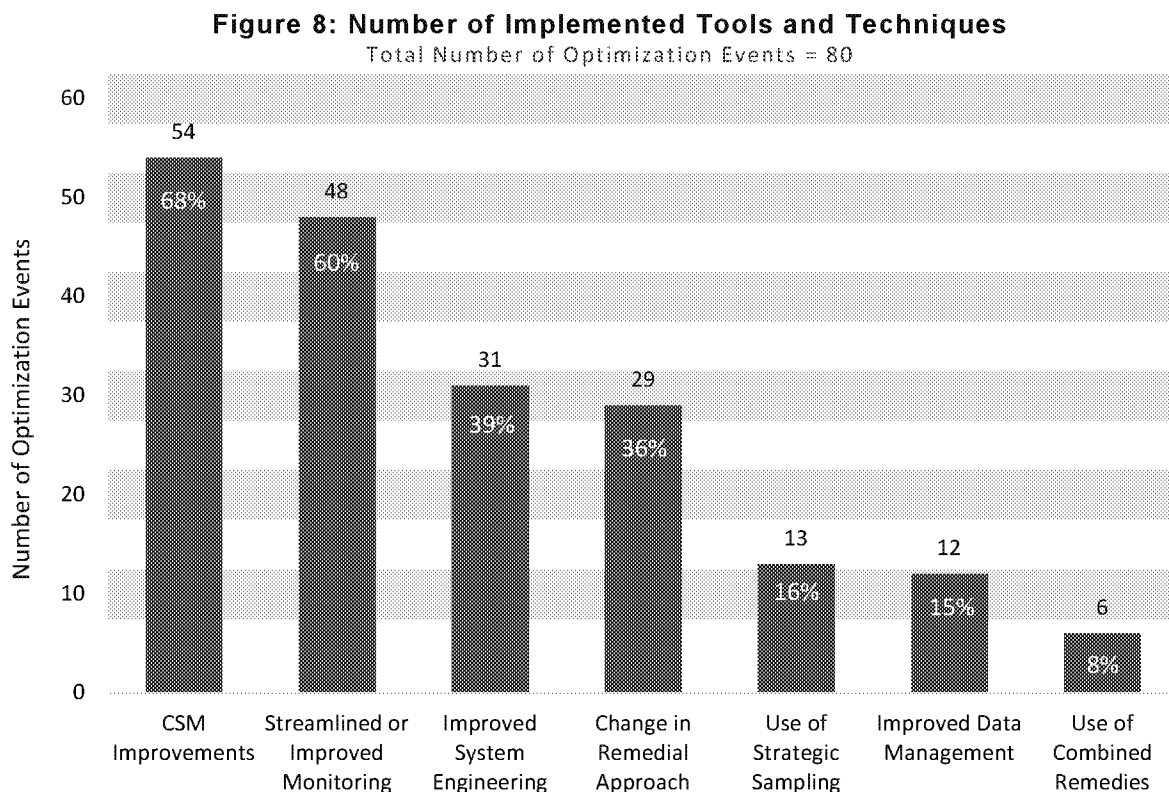


Figure 8 presents the number and percentage of events that implemented one or more of the tools and techniques by category. The categories that were implemented for the largest number of optimization events include: (1) CSM improvements, (2) streamlined or improved monitoring, (3) improved system engineering, and (4) change in remedial approach. As mentioned above, these tools and techniques may be used separately or in combination at a site.

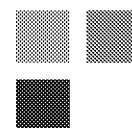


## 2.2 Recommendations by Optimization Focus

In addition to the five optimization categories based on overall outcome of the effort, recommendations can also be classified by optimization focus—investigation, design, remedy and long-term monitoring. To better understand the common findings and outcomes of optimization reviews and communicate lessons learned, EPA discusses recommendation implementation by these optimization focus areas in Sections 2.2.1 through 2.2.4. While the focus areas are related to the phases of the Superfund pipeline, an optimization focus may not align exactly with the Superfund pipeline. For example, an LTM-focused optimization may be done during the remedy phase of the Superfund pipeline to prepare for LTM.

### 2.2.1 Investigation Recommendations

An investigation-focused optimization involves translating the site data gaps and uncertainties into a sampling strategy with the goal of refining the CSM to allow for remedy selection. Accordingly, the investigation optimization review examines the collection of the data necessary to understand exposure pathways, exposure point concentrations for site receptors and information to aid the



evaluation and selection of potential remedies, and to the extent possible, the design data requirements of likely site remedies. An effective investigation optimization review considers the regulatory framework of the project, human and ecologic exposure points, potential RAOs, the perspectives of the various site stakeholders, and the available site-specific technical information. Investigation best practices are emphasized in the optimization review to ensure that an effective, efficient characterization is performed. Investigation optimization reviews can be conducted during any phase of the Superfund pipeline whenever additional site characterization activities may be necessary. The remedial design phase of the Superfund pipeline frequently involves site characterization activities to accurately estimate treatment and disposal volumes and to delineate a more accurate footprint for the application of various in situ technologies. The remedial action and long-term response action (LTRA) phases of the Superfund pipeline can also involve site characterization to reconcile data gaps in the CSM that are indicated by performance issues with the constructed remedy. For example, a groundwater remedy that is not performing as expected (that is not reducing contaminant concentrations in the groundwater as predicted) may be an indication of an undiscovered source of contamination and additional characterization may be required to determine if other source areas exist.

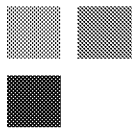
Remedy effectiveness was the main category of recommendation made for investigation optimizations, followed by technical improvement and site closure (Table 5). The fewest number of recommendations were made for cost reduction and green remediation.

**Table 5: Types of Investigation Recommendations**

Types of Recommendations	Total
Remedy Effectiveness	64
Cost Reduction	14
Technical Improvement	36
Site Closure	32
Green Remediation	4
All Recommendation Types	150

At the Black Butte Mine site (Highlight 9), an optimization review of the remedial investigation was conducted after a removal action. The optimization review team first identified data gaps and missing components of the CSM of this large site with a long history of mercury mining. They leveraged existing data to complete the CSM and identify area-specific data gaps to address numerous study questions. To maximize information and resources, the optimization team recommended sequenced field investigations that utilized real-time measurement technologies and incremental sampling. The decision logic for sequencing field activities was developed as part of the optimization.

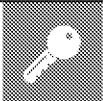
Investigation optimizations may also help distinguish the most effective combination of remedial actions. At the Sulphur Bank Mercury Mine site (Highlight 10), a FS contained alternatives that involved either long-term P&T or short-term P&T in conjunction with the replacement of an existing waste rock dam. The state and EPA each favored different alternatives as the preferred approach. The optimization review team recommended a hybrid of the two alternatives that included components of both the EPA and state's preferences. The team utilized investigation data to provide



an innovative approach to the site by using a slurry wall and subaqueous cap in combination with a permeable treatment conduit within the waste rock dam. Both the EPA and state have agreed to consider this hybrid alternative and plan to propose it as the preferred remedy. The Sulphur Bank Mercury Mine site, conducted as part of the mining site optimization pilot, demonstrates how an optimization review can help develop effective and lower cost actions for MIW management.

## Highlight 9: Investigation Recommendations

Black Butte Mine Site, Lane County, Oregon



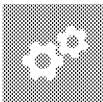
### KEY CHALLENGES

- Incomplete CSM
- Numerous data gaps
- Large site with long history of mercury mining



### PRIMARY RECOMMENDATIONS

- Identify data gaps for specific areas to streamline study questions
- Sequence activities focusing on source control first
- Use real-time measurement technologies and incremental sampling
- Conduct strategic sampling for storm/non-storm events, groundwater—surface water interactions, and mercury methylation rates

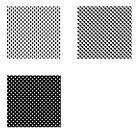


### IMPLEMENTATION OUTCOMES

- Leveraged existing data to build CSM
- Identified data gaps for each area to focus study
- Developed decision logic for conducting sequenced activities

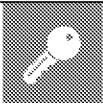
The Black Butte Mine site contains numerous on-site sources that affect nearby surface water bodies that eventually lead to the Cottage Grove Reservoir located 10 miles downstream from the site. Contaminants include dissolved and particulate mercury, which is converted to methylmercury in the reservoir, resulting in high levels of mercury in fish tissue and potential ecological and human health exposures. A removal action was conducted at the site and the optimization review was conducted to assist with planning of the remedial investigation.

The optimization review team used existing data to identify important data gaps for the specific areas throughout the mine and for surface water bodies leading from the mine to the reservoir downstream. The data gaps were then used to prioritize and identify data collection activities to be conducted in sequence, with continuing mercury sources to be addressed first. Decision logic for conducting the sequence of investigation activities was developed. The recommended use of real-time measurement technologies and, when appropriate, incremental sampling design was implemented. In addition, the site team implemented real-time measurement technologies, strategic sampling for storm/non-storm events, groundwater—surface water interactions, and mercury methylation rates in reservoir sediments and the water column.



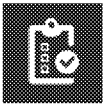
## Highlight 10: Investigation Recommendations

Sulphur Bank Mercury Mine Site, Clear Lake, California



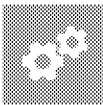
### KEY CHALLENGES

- Large site with long history of sulfur and mercury mining
- Draft FS contained alternatives that required either long-term surface water management or extensive replacement of existing waste rock dam to protect Clear Lake from contaminated water in Herman Impoundment
- EPA and the state favored different alternatives as the potential preferred alternative



### PRIMARY RECOMMENDATIONS

- Consider hybrid alternative that:
  - Includes aspects of the EPA- and state-favored alternatives for mine waste and mining influenced water management
  - Eliminates P&T of Herman Impoundment by using innovative isolation techniques and treatment technologies

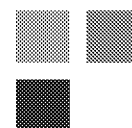


### IMPLEMENTATION OUTCOMES

- Steps being taken to fully evaluate a hybrid alternative in a focused feasibility study (FFS)
- Hybrid alternative satisfies both EPA and state objectives while eliminating perpetual P&T of Herman Impoundment and extensive replacement of waste rock dam

The Sulphur Bank Mercury Mine site operated as a sulfur mine and then as a mercury mine from 1856 to 1957. Open pit mercury mining left a large flooded open pit, called the Herman Impoundment, which is filled with contaminated water that leaches mercury into nearby Clear Lake. In addition, there are 2 million cubic yards of mine wastes and tailings on the site.

EPA completed a FS for OU 01 that addressed Herman Impoundment and mining wastes and tailings. However, EPA and the state both identified concerns with the alternatives analyzed for OU 01. EPA identified concerns related to the potential for mercury leaching into Clear Lake, and preferred to include long-term P&T of Herman Impoundment to lower the level. The state raised concerns over the feasibility of long-term P&T and preferred to include short-term P&T of Herman Impoundment and extensive replacement of the existing waste rock dam. The optimization review team proposed a hybrid alternative that includes elements of the EPA and state's preferences for the mine wastes and tailings and that provides an innovative approach to Herman Impoundment by using isolation techniques (slurry wall on the impoundment side and subaqueous cap on the Clear Lake side of waste rock dam) in combination with a permeable treatment conduit within the waste rock dam. EPA and the state have agreed to consider the hybrid alternative in a FFS and will use a comparative analysis to propose a preferred alternative that incorporates components of the optimization review.



## 2.2.2 Design Recommendations

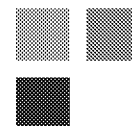
A design-focused optimization is typically conducted before completion of the design of the selected remedy. The design generally involves developing specific performance objectives, outlining a clear remedial strategy, developing the technical specifications of a remedy, preparing a monitoring program to monitor the effectiveness of the remedy, and formulating an effective remedy completion strategy. Optimization during pre-design, design or redesign evaluates the selected remedy prior to implementation and operation. It considers the goals of the remedy, CSM, available site data, performance considerations, effectiveness, cost-effectiveness and closure strategy. Design optimization reviews may add greater certainty to the selected remedy and ensure streamlined operations from the start of the project. An effective design optimization review should also address costs for implementation and long-term operation, maintenance and monitoring, including designing and implementing a remedy in phases, and allowing additional information from initial phases to guide later phases of design.

Remedy effectiveness is the main type of recommendation in the design stage, followed by site closure, technical improvement, and cost reduction (Table 6). Although green remediation had the fewest recommendations, they are most frequently made during design and remedy-focused optimizations. Green remediation and environmental footprint evaluations are also done as technical support efforts (see Section 2.4) rather than optimization reviews.

**Table 6: Types of Design Recommendations**

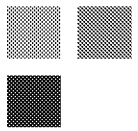
Types of Recommendations	Total
Remedy Effectiveness	73
Cost Reduction	27
Technical Improvement	38
Site Closure	39
Green Remediation	15
All Recommendation Types	192

Design optimizations are often requested when uncertainties exist surrounding the CSM and characterization of contamination at a site. For the Lockwood Solvent Ground Water Plume site, OU 02 (Highlight 11), the optimization review included several recommendations for additional site characterization activities to reduce source and plume uncertainties. As a result of implementing the optimization team's recommendations, source remediation was expanded to more fully address all subsurface sources and the groundwater plume morphology was characterized. At the Jones Road Ground Water Plume site (Highlight 12), vapor intrusion impacts were not fully characterized and contamination in the unsaturated zone was not fully identified. The optimization review recommended further refining the CSM and developing a vapor intrusion indoor air sampling program. At the East 67<sup>th</sup> Street Ground Water Plume site (Highlight 13), there were uncertainties regarding the response of the mass contamination to SVE, extent of dissolved contamination in the aquifer, and time required for restoration. The optimization review recommended pilot testing the SVE system and prioritizing the remediation of one aquifer at the site. The optimization also recommended using the extracted groundwater for ISB substrate blending and delivery.



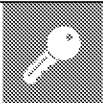
Concerns regarding planned remedy performance, effectiveness or cost are other reasons to conduct a design-stage optimization review. At the Jones Road Ground Water Plume site, there was concern that the selected remedy of an extensive P&T system may not provide an optimal approach to address contamination at the site. The optimization review team recommended further refining the CSM through delineation of the shallow groundwater plume and initiating ISB in high-concentration areas of the plume. Now the shallow groundwater plume has been fully delineated and there is a plan in place to scale up the use of ISB for source areas and the downgradient plume if the source remedy alone does not adequately address the plume. In addition, the review recommended the development and support of electronic data management and visualization tools to document and communicate remedy performance more rapidly and effectively.

Design optimization reviews may also recommend implementing the site remedy in phases as a method of improving remedy effectiveness. At the Lockwood Solvent Ground Water Plume site OU 02 (Highlight 11), a phased approach to the remedial components was implemented and aggressive action on the plume was delayed to first assess the impacts of source remediation on groundwater. The optimization review may also make suggestions for technical improvements and identify alternative strategies or technologies for implementing a selected remedy, such as carefully designed injection wells instead of using direct-push technology for injections, pre-fabricated systems instead of on-site construction of the systems, treatment and reinjection instead of discharge to a POTW, and use of extracted groundwater instead of potable water for reagent blending, injection, and circulation to improve remedy effectiveness and reduce costs (Highlight 13, East 67<sup>th</sup> Street Ground Water Plume site).



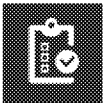
## Highlight 11: Design Recommendations

Lockwood Solvent Ground Water Plume Site OU 02, Billings, Montana



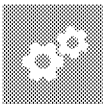
### KEY CHALLENGES

- Source uncertainties—identification of all source areas, vertical contaminant distribution, soil heterogeneity
- Plume uncertainties—long well screens confound vertical characterization, effect of pumping wells to west, effect of sewer installation, impact of source remediation on dissolved plume



### PRIMARY RECOMMENDATIONS

- Rotosonic drilling to obtain cores and develop cross-sections
- New nested wells with short well screens
- Monitor downgradient plume for stability
- Use Membrane Interface Probe to delineate shallow sources in fine-grained zone and guide excavation of shallow sources



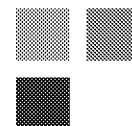
### IMPLEMENTATION OUTCOMES

- Source areas delineated and source excavation expanded to address mass stored in fine-grained zone
- Dissolved plume delineated
  - Identified plume morphology
  - Monitoring being conducted to determine effects of source removal on groundwater plume before aggressive action on the plume

The Lockwood Solvent Ground Water Plume site consists of two operable units. OU 01 and OU 02 address separate contaminant sources and associated groundwater plumes. OU 02 contaminants of concern include PCE, TCE, cis-1,2-dichloroethene (cis-1,2 DCE) and vinyl chloride. The selected remedy for OU 02 includes a number of source and groundwater treatment options. The optimization review was conducted while the OU 02 remedy was being designed and focused on remedy design considerations. The optimization review included recommendations for designing a remedy to address contamination in soil and groundwater to achieve maximum effectiveness while improving remedy cost and energy efficiency and minimizing the time required to achieve cleanup goals.

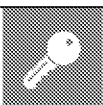
The optimization review recommended reducing CSM uncertainties associated with OU 02 sources and the OU 02 plume. Recommendations for additional characterization work included: (1) more thorough identification of the source contaminant footprints, (2) obtaining a vertical profile of contaminant distribution in the subsurface especially at it relates to soil heterogeneity, (3) identifying plume morphology, (4) assessing impact of pumping wells and sewer installation, and (5) understanding how source remediation may impact groundwater contamination. The optimization review recommendations were implemented and additional characterization of both sources and groundwater was conducted. Source remediation was expanded to more fully address all subsurface sources and the groundwater plume morphology was characterized. Action on the plume delineation was delayed to determine the impact of more thorough source remediation made possible by the additional source characterization work.





## Highlight 12: Design Recommendations

Jones Road Ground Water Plume Site, Harris County, Texas



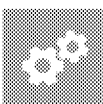
### KEY CHALLENGES

- Selected remedy of extensive P&T system may not provide an optimal approach to address site groundwater contamination
- Vapor intrusion impacts not fully characterized
- Unsaturated zone contamination not fully identified



### PRIMARY RECOMMENDATIONS

- Install SVE system in the Unsaturated Chicot sand unit (to be initiated by a ROD Amendment)
- Perform SVE pilot for the shallow soil and, if successful, install a full SVE system in the shallow soil to address the primary source of contaminant mass
- Develop an indoor air sampling protocol to assess vapor intrusion
- Initiate ISB in high-concentration areas of shallow water bearing zone (WBZ)
- Limited groundwater P&T system is recommended for the Lower Chicot and possibly the shallow WBZ near the source area to control plume migration only after the SVE and ISB systems have been operating for the time necessary to evaluate the effectiveness of source reduction on groundwater
- Use electronic data management and visualization tools for documentation

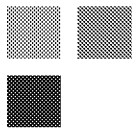


### IMPLEMENTATION OUTCOMES

- Delineated shallow groundwater plume
- Installed nested wells to delineate contamination vertically
- Plan to scale up use of ISB for source and downgradient plume if source remedy alone does not adequately address the plume

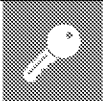
The Jones Road Ground Water Plume Superfund site is located just outside of the city limits of Houston, Texas. Releases of chlorinated VOCs from improper disposal of dry cleaning solvents migrated downward through the unsaturated zone to perched water and to lower aquifers, where multiple private water supply wells were and are presently located. The remedy selected in the ROD includes an extensive groundwater extraction and treatment system and extending municipal water supplies to properties with affected private water supply wells. Subsequent site data collection and cost estimates indicated that the P&T system may not provide an optimal approach to address site contamination. The optimization review team recommended the site remedial design include aggressive source treatment to reduce or eliminate the need for P&T and reduce or eliminate mass discharge to the aquifer.

The optimization review completed in FY 2014 provided recommendations for further refining the CSM and treating the contaminant source. The shallow WBZ plume has now been fully delineated and ISB treatment of the shallow WBZ is underway. The groundwater sampling in the Lower Chicot WBZ is being conducted at the existing wells to establish a baseline prior to potential source treatment with SVE. The optimization review recommended the use of electronic data management and visualization tools to document and communicate remedy performance more rapidly and effectively; these improvements are also already underway.



## Highlight 13: Design Recommendations

East 67<sup>th</sup> Street Ground Water Plume Site, Odessa, Texas



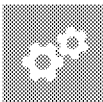
### KEY CHALLENGES

- Several data gaps were identified in the CSM relevant to remedial design, including:
  - Quantity of mass remaining in the vadose zone soils and its potential response to SVE treatment
  - Extent of dissolved contamination in the US2 plume
  - Potential effect of active ISB on secondary water quality issues
  - Extent of contaminant migration and time frame for aquifer restoration



### PRIMARY RECOMMENDATIONS

- Eliminate exposure pathways and vertical migration by replacing specific private water supply wells that may function as conduits to the lower sand number 1 (LS1) layer of the Trinity Sands
- Improve plume monitoring by installing new groundwater monitoring wells
- Increase priority of US2 ISB remedy
- Use extracted groundwater for ISB substrate blending and delivery
- Conduct small-scale SVE pilot test in source area to improve characterization of contaminant mass remaining in the vadose
- Evaluate the need for active remediation in LS1 after plugging supply wells that appear to be contaminant transport conduits to the lower unit
- Implement remedy performance monitoring
- Establish completion criteria for each remedy component

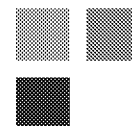


### IMPLEMENTATION OUTCOMES

- Extracted groundwater is used for ISB substrate blending
- Two ISB treatment zones were installed in the US2 aquifer zone
- SVE pilot test is planned for the next remedial design

The East 67th Street Ground Water Plume Superfund site involves groundwater contamination resulting from a 1985 release of alcohols, naphtha-based solvents and PCE from above ground tanks. The primary contaminants of concern are PCE, TCE and cis-1,2 DCE. The selected remedy included a groundwater P&T system, the installation of a municipal water supply line, ISB treatment zones, SVE, well abandonment, and institutional controls.

The optimization review completed in FY 2014 recommended plugging, abandoning and replacing key water supply wells, installing additional monitoring wells in US2 and LS1, increasing the priority of the US2 ISB remedy, using extracted groundwater for ISB substrate blending and delivery, conducting a small-scale SVE pilot test in the source area, implementing remedy performance monitoring, and establishing exit criteria for each remedy component. The optimization review also recommended evaluating LS1 after well plugging and US2 remediation to determine the need for active remediation of LS1. Use of ISB was expanded, extracted groundwater is used for ISB substrate blending, and an SVE pilot test is planned. Monitoring of remedy performance and develop completion criteria for each remedy component is also planned.

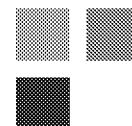


### 2.2.3 Remedy Recommendations

Remedy-focused optimization reviews include recommendations for reducing costs and improving the operation of the engineered systems that are in place. Remedy optimization is still the most frequent type of optimization review, and is conducted on remedies that have been constructed and are currently operating. During the remedy phase of the Superfund pipeline, new information may become available and site conditions may change as additional data is collected in the course of operating the remedy. Remedies can be adjusted over time to adapt to this new information and these changing conditions. As a result, it is helpful to review progress towards RAOs specified in the site decision documents, performance objectives specified during design, overall remedial strategy, current conditions relative to original design assumptions, and the monitoring program. An effective remedy optimization review considers the regulatory framework of the project, the RAOs, the perspectives of the various site stakeholders, and the available site-specific technical information. Reviews should also address costs for implementation and long-term operation, maintenance and monitoring.

Remedy optimization reviews may identify the need for changes to the remedial strategy. At North Penn – Area 6 site (Highlight 14), additional areas of contamination in the unsaturated zone would not be addressed by the current P&T system used for the deeper groundwater contamination. SVE and zero-valent iron (ZVI) injections were tested as treatment options for the newly discovered areas of contamination.

Many of the remedy optimization events were conducted at sites with remedy components common in the 1980s, 1990s, and early 2000s such as P&T and SVE systems. Many of the sites also noted the presence of NAPL. More than 40 percent of optimization events in this report provided recommendations that would change remedial approaches in response to the optimization review and in some of those cases adopted remedy components for more aggressive source treatment and in situ treatment of groundwater contamination as a replacement for or a supplement to existing P&T systems. This is consistent with more recent trends showing that in situ remedies for groundwater, in combination with targeted P&T, are being selected with increasing frequency (EPA, 2013b). When remedy changes are recommended by the optimization team, and accepted by the site team, the team must follow all Superfund procedures for remedy selection in a decision document, ultimately issuing a ROD Amendment or Explanation of Significant Difference if necessary. The additional data gathered and evaluated as a result of the optimization recommendations and CSM refinement help provide the basis for the remedy decision. In this way, optimizations may inform decision documents.



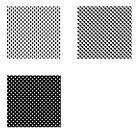
Remedy effectiveness is the main type of recommendation in the remedy-focused optimization reviews, followed by cost reduction and technical improvement, with site closure and green remediation having the fewest recommendations (Table 7).

**Table 7: Types of Remedy Recommendations**

Types of Recommendations	Total
Remedy Effectiveness	177
Cost Reduction	118
Technical Improvement	101
Site Closure	52
Green Remediation	15
All Recommendation Types	463

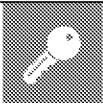
A remedy optimization review evaluates existing remedial systems and will also assess the completeness of the CSM and the completion strategy for the site. The need for CSM improvements are usually indicated when existing remedial systems are not meeting performance goals or progressing towards achieving cleanup levels as expected. At North Penn – Area 6 site (Highlight 14), the optimization team identified the need for CSM improvements to identify additional source areas and fully delineate the groundwater plumes. Optimization recommendations were implemented; the additional characterization work identified significant source zones in the unsaturated zone and both the shallow and deeper plumes were fully delineated. At the Palermo Well Field Ground Water Contamination site (Highlight 15), additional sampling was required to define and delineate the plumes. It was recommended that the sampling results be used to inform the capture zone analysis.

At Palermo, improvements to the P&T system, French drain system, and water sampling scheme were suggested. Remedy optimizations may also include new strategies for improved effectiveness such as the implemented changes to the structure of the project team by engaging Tribal Nations at Tar Creek (Ottawa County), OU 04 (Highlight 16). Full engagement by all stakeholders can save time, money and ensure that all concerns at the site are addressed. Also at Tar Creek, the optimization improved the effectiveness of the remedy by shifting the focus to prioritize activities based on contaminant of concern (COC) loading rates, improving watershed remediation, and protection.



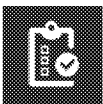
## Highlight 14: Remedy Recommendations

North Penn – Area 6 Site, Lansdale, Pennsylvania



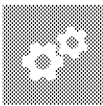
### KEY CHALLENGES

- Large PCE and TCE plume with many sources
- Complicated hydrogeology—weathered and fractured bedrock
- CSM uncertainties—sources, shallow groundwater contamination, hydraulic information
- Remedy effectiveness concerns—potential contaminant mass in unsaturated zone and in shallow groundwater that is not addressed by P&T in deeper groundwater, uncertainty regarding capture zone of P&T system, vapor intrusion potential



### PRIMARY RECOMMENDATIONS

- Additional source characterization beneath previous excavations and buildings
- Additional shallow groundwater characterization
- Further delineation of groundwater plumes
- Test efficacy of SVE for shallow sources and potential expansion of SVE
- Investigate vapor intrusion pathway

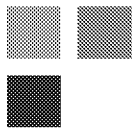


### IMPLEMENTATION OUTCOMES

- Source characterization conducted and significant unsaturated zone contamination found in several areas and confirmed to be absent in other areas
- Shallow groundwater contamination characterized and groundwater plumes better delineated
- SVE and ZVI injections tested—SVE difficult because of geology, ZVI injections hold promise of reducing subsurface contamination
- Synoptic water level measurements conducted
- Vapor intrusion pathway evaluated

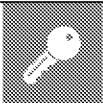
The North Penn – Area 6 site addresses multiple sources of contamination by PCE, TCE, and their breakdown products. The sources have resulted in a large contaminant plume within shallow and deeper bedrock units beneath large portions of Lansdale, Pennsylvania. The optimization review focused on five source areas being addressed by EPA with P&T systems. Previous actions included excavation of contaminant sources. The optimization review identified several uncertainties and recommendations were provided to reduce the uncertainty associated with remaining contaminant sources, shallow groundwater contamination, and effectiveness of the deeper groundwater P&T systems.

Optimization recommendations were implemented and the additional characterization work identified significant source zones in the unsaturated zone and confirmed that sources were absent in other areas. Both the shallow and deeper groundwater contamination was further delineated and ZVI injections are being tested to reduce subsurface contamination. In addition, the vapor intrusion pathway is being evaluated.



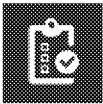
## Highlight 15: Remedy Recommendations

Palermo Well Field Ground Water Contamination Site, Palermo, Washington



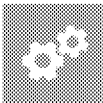
### KEY CHALLENGES

- CSM issues—limited TCE plume resolution and connection to source areas, plume not delineated
- Remedy performance issues—cannot assess plume capture by existing P&T via city wellfield, source area SVE shut down, French drain system for vapor intrusion not meeting ROD goals
- Uncertainty in roles and responsibility



### PRIMARY RECOMMENDATIONS

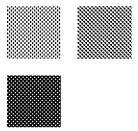
- Expand groundwater sampling by locating and using historical wells to delineate and define plume, use information to inform capture zone analysis
- Fill vapor intrusion data gaps by sampling residential indoor air
- Consider options for lowering water table to address vapor intrusion
- Assess vapor intrusion, evaluate SVE effectiveness, and implement institutional controls at dry cleaner source area
- Seek agreement to have municipal wellfield operated in a manner to ensure capture
- Reduce sampling frequency in monitoring well network



### IMPLEMENTATION OUTCOMES

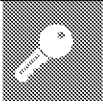
- Agreement was reached on defined roles and responsibilities for a clear resolution and path forward on
  - Vapor intrusion assessment and mitigation
  - Plume capture evaluation
  - French drain and groundwater to surface water pathway
  - Groundwater sampling scheme
  - SVE and vapor intrusion assessment at dry cleaner source area
- Third party evaluation provided venue for CSM refinement and agreement of future efforts

An optimization review was conducted on the existing Palermo Well Field remedy, which consisted of P&T using the existing wellfield, a French drain to address vapor intrusion in a nearby residential area, and an SVE system at a source area. The optimization review confirmed the CSM and remedy issues that had been identified by the site team. The optimization review recommended expanding the groundwater sampling using existing wells to better delineate and define the plume and to provide information for a capture zone analysis. Additional source characterization work was recommended for the two sources, a Washington Department of Transportation facility and a dry cleaner. Recommendations also addressed adjustments to P&T system using the existing wellfield, improving performance of the French drain, improving the groundwater sampling scheme, and assessing effectiveness of SVE. All parties are engaged in the source area investigation and remedy, and the site team achieved a better understanding of site conditions leading to improved and documented remedy performance.



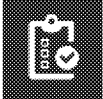
## Highlight 16: Remedy Recommendations

Tar Creek (Ottawa County) Site, OU 04, Ottawa County, Oklahoma



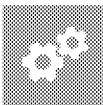
### KEY CHALLENGES

- Large and complex former lead and zinc mining site
- Numerous stakeholders with diverse perspectives
- Mining wastes located in many areas, often adjacent to creeks and rivers
- Impacts to numerous surface water bodies affecting two watersheds



### PRIMARY RECOMMENDATIONS

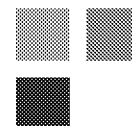
- Prioritize remedial activities based on COC loading rates
- Shift primary focus to watershed remediation and protection, specifically in affected riparian areas
- Ensure remedial activities minimize potential impacts to Roubidoux aquifer and Grand Lake
- Leverage potential synergies with project team structure, roles and responsibilities
- Develop coordinated tactical plans and project controls



### IMPLEMENTATION OUTCOMES

- Implemented watershed and riparian area approach by aligning tactical plans of the project with larger watershed issues
- Implemented changes to structure of project team by engaging Tribal Nations under OU 05; and the Quapaw Tribe of Oklahoma (Quapaw Tribe), and the Oklahoma Department of Environmental Quality (ODEQ) to perform the remedial actions at distal areas under OU 04
- Provide funding to the Quapaw Tribe (for OU 04) and ODEQ (for OU 02 and OU 04) through remedial action cooperative agreements with the EPA
- Continue to provide technical support to the Quapaw Tribe and ODEQ, while they continue to develop technical capacity to implement the remedial actions
- Continue to involve the Bureau of Indian Affairs when coordinating with the Quapaw Tribe Realty Department on chat sales of tribal-owned chat

The Tar Creek Superfund site is a large and complex site with numerous former lead and zinc mines. The site is being investigated and remediated in operable units. OU 04 covers 40 square miles and addresses source materials including numerous types of mine wastes. The initial focus of activities was to mitigate threats to human health and the environment through residential yard remediation, relocation, and by consolidating, disposing of, and reusing source materials. In response to challenges that occurred during the consolidation and disposal of the source materials, an optimization review was requested. Two of the optimization review recommendations included shifting the focus of the next phase of work to prioritize activities based on COC loading rates, watershed remediation and protection in riparian areas, and leveraging the project team structure. The optimization review recommendations have largely been implemented leading to increased watershed and riparian remediation and protection and full engagement of the stakeholders in implementing the remedial activities for OU 02, OU 04, and OU 05.



## 2.2.4 Long-Term Monitoring Recommendations

An LTM-focused optimization review most commonly takes place during the remedial action phase or O&M phase of the Superfund pipeline and involves preparing for site reuse and closure, preparing a monitoring program to evaluate the attainment of remedial goals or evaluating an existing monitoring program and developing an effective remedy completion (exit) strategy. An effective LTM optimization review considers the regulatory framework of the project, the RAOs, the perspectives of the various site stakeholders, and the available site-specific technical information and long-term goals for property reuse. An LTM optimization review may include an evaluation of remedy effectiveness and consequences of a remedy not progressing as expected.

LTM optimization was performed less frequently than any of the other optimization stage reviews. However, some LTM reviews fall under the category of technical support because they do not result in an optimization review report with the typical list of recommendations that fit into the five recommendation types (see Section 2.4). As shown in Table 8, most LTM recommendations fall into the remedy effectiveness category with cost reduction and technical improvement categories being the next most common.

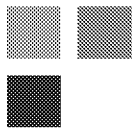
**Table 8: Types of Long-Term Monitoring Recommendations**

Types of Recommendations	Total
Remedy Effectiveness	33
Cost Reduction	21
Technical Improvement	22
Site Closure	13
Green Remediation	4
All Recommendation Types	93

An LTM optimization review is often requested when a remedy is not achieving its goals as anticipated or there is an opportunity to reduce monitoring points and costs. At the Middlefield-Ellis-Whisman (MEW) Study Area (Highlight 17), a “regional” groundwater extraction system to address the combined plumes was initiated in the late 1990s. The site’s monitoring program is extensive and it is expected to take a long time to reach RAOs. Based on an optimization assessment conducted in FY 2015, the plan is to reduce annual sampling of 400 wells to biennial sampling, and semi-annual water level gauging to annual water level gauging for 650 wells, which will result in a cost-savings without impacting the effectiveness of the performance monitoring. At the MetalTec/Aerosystems site (Highlight 18) the groundwater monitoring program includes quarterly sampling of numerous analytes to assess the performance of the remedial P&T system. Based on their review, the optimization team recommended decreasing sampling frequency and the number of analytes included for analysis.

An LTM optimization may also be conducted when there is uncertainty about the effectiveness of a selected remedy. For example, the stability of the plume at the MetalTec/Aerosystems site was unknown because of the site’s complicated geology. The optimization review was able to confirm that the plume is stable or decreasing using two different software packages.

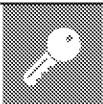




LTM optimization reviews often recommend remedy system and component improvements, including operational improvements and maintenance and optimizing monitoring. At both the MEW Study Area and the MetalTec/Aerosystems site, the optimization review recommended using passive methods, rather than active methods, to collect groundwater samples. A long-term monitoring optimization assessment was recommended at the MEW Study Area, including the network and monitoring frequency, resulting in a significant reduction in sampling frequency.

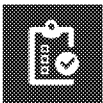
## Highlight 17: Long-Term Monitoring Recommendations

MEW Study Area, Mountain View and Moffett Field, California



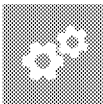
### KEY CHALLENGES

- Long time period expected to reach RAOs
- Monitoring program is extensive



### PRIMARY RECOMMENDATIONS

- Consider further long-term monitoring optimization assessment
- Consider use of passive methods to collect groundwater samples

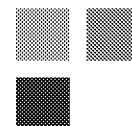


### IMPLEMENTATION OUTCOMES

- Trial reduction of annual chemical sampling of over 400 wells to sampling every two years
- Trial reduction of water level gauging frequency of over 650 wells from twice per year to once per year
- Consolidation of treatment systems
- Implementation of passive methods to collect groundwater samples

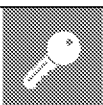
The MEW Study Area is located in Mountain View, California. The site includes multiple sources of chlorinated volatile organic compounds (CVOs), primarily TCE, creating a groundwater plume that is 11,000 feet in length impacting several water-bearing stratigraphic units. Source areas have generally been addressed by soil excavation, groundwater extraction, and slurry wall construction around the larger sources. Two "regional" groundwater extraction systems to address the co-mingled contaminant plumes and nine facility-specific treatment systems for source areas were initiated in the 1990s in accordance with the ROD. Currently eight plants treat groundwater from various extraction wells screened in multiple aquifer units.

The optimization review recommended further analysis of the potential for optimization of the long-term monitoring program, including the network and the monitoring frequency. In FY 2015, a trial reduction of annual chemical sampling of over 400 wells was implemented, reducing it to biennial sampling and reducing semi-annual water level gauging to annual water level gauging for over 650 wells. This reduction in sampling and water level gauging will result in a cost-savings without impacting the effectiveness of the performance monitoring. A footprint analysis for the MEW Study Area was also conducted in FY 2012.



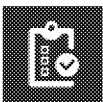
## Highlight 18: Long-Term Monitoring Recommendations

MetalTec/Aerosystems Site, Franklin Borough, New Jersey



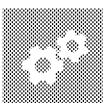
### KEY CHALLENGES

- Stability of plume unknown
- Sampling conducted quarterly
- Sampling includes numerous analytes and MNA parameters



### PRIMARY RECOMMENDATIONS

- Reduce sampling frequency to annually
- Reduce analytes list to VOCs of interest
- Reduce testing for MNA parameters
- Consider use of passive sampling rather than grab sampling where appropriate

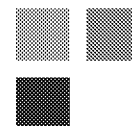


### IMPLEMENTATION OUTCOMES

- Plume stability confirmed through optimization team analysis
- Sampling frequency reduced to annually
- Analytes list reduced to VOCs of concern
- MNA sampling frequency reduced to every five years
- Passive sampling to be adopted in future

The MetalTec/Aerosystems site is located in complicated geology including overburden, granite bedrock, and dolomite bedrock. Groundwater at the site is contaminated with VOCs. The remedial system includes P&T in the granite bedrock formation with groundwater monitoring to assess performance of the remedial system. The monitoring program was assessed by the optimization team to determine if adjustments could be made that would reduce costs without reducing the quality of the information and effectiveness of the monitoring program.

The optimization review confirmed that the plume is stable or decreasing using the Monitoring and Remediation Optimization System (MAROS) and 3-Tiered Monitoring Optimization (3TMO) Tool software packages. Additional analyses led to recommendations to decrease sampling frequency, decrease the number of analytes included for analysis, and change the approach to sample collection. If sampling is focused on the VOCs, alternative sampling methods that require less labor and provide equally valid results can be considered, such as the use of passive-diffusion bag (PDB) samples. For those few rounds where the other parameters (that are not amenable to PDBs) are required, grab samples may be obtained using no-purge sampling devices. Note, it was recommended that artesian (i.e., naturally flowing) wells continue to be sampled by purging (under natural flow) and sampling, as it may be difficult to place and secure the PDBs and the natural flow would be adequate to obtain a sample without a pump. Many of the optimization review recommendations have been implemented, while others are in the process of being implemented.



## 2.3 Events and Sites Requiring No Further Follow-Up

RPMs continue to demonstrate a commitment to the implementation of optimization recommendations. The optimization process is now complete at a number of sites as a result of the successful implementation or thorough consideration of all optimization recommendations. EPA is no longer conducting annual follow-up discussions for the following events and sites, though assistance is still available to site managers in the event that any optimization-related issues arise:

- 10th Street Site, 2010 Event.
- American Creosote Works, Inc. (Pensacola Plant).
- Boomsnub/Airco.
- Bunker Hill Mining & Metallurgical Complex, OU 02, 2013 Event.
- Burlington Northern (Somers Plant).
- Colbert Landfill.
- Eastern Surplus.
- Groveland Wells No. 1 & 2, 2013 Event.
- Groveland Wells No. 1 & 2, 2014 Event.
- Intel Magnetix.
- Intermountain Waste Oil Refinery.
- Northwest Pipe & Casing/Hall Process Company.
- Old Hilltop (Hilltop Station).
- Ott/Story/Cordova Chemical Co.
- Pemaco Maywood.
- Pine Ridge Oil Underground Storage Tank Site.
- Railroad Avenue Groundwater Contamination.
- Tutu Wellfield.

Previous progress reports identified 32 events and sites that no longer require implementation tracking, for a total of 50 events and sites that have successfully completed the follow up process since it began as a result of the Action Plan in 2004.

## 2.4 Technical Support Highlights

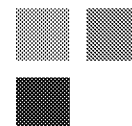
In addition to formal optimization reviews, EPA provides technical support that results in optimization principles being applied more broadly. Technical support activities can include a broad range of support such as providing environmental footprint analysis, providing assistance with strategic sampling using incremental sampling, using 3DVA, conducting High-Resolution Site Characterization (HRSC), developing a CSM, developing a decision framework for shutdown, reviewing technical documents such as engineering specifications, or providing cost estimates.

Table 9 lists the technical support projects completed from FY 2011 through FY 2015. The majority of technical support projects were conducted as investigation optimizations.

**Table 9: Completed Technical Support Projects FY 2011 – FY 2015**

State	Optimization Event	FY Complete	Optimization Focus	Total Optimization Events
<b>Region 1</b>				<b>2</b>
MA	Fairmont Line – Modern Electroplating	2013	R	
MA	Groveland Wells No. 1 & 2	2014	L	
<b>Region 2</b>				<b>4</b>
NY	Fulton Avenue	2013	I	
NJ	King of Prussia	2012	R	
NJ	Passaic River-Diamond Alkali	2011	I	
NY	South Buffalo Brownfields Opportunity Area	2012	I	
<b>Region 3</b>				<b>2</b>
PA	Clearview Landfill OU 03	2014	I	
VA	Fort Eustis (US Army)	2013	Not Defined	
<b>Region 7</b>				<b>3</b>
MO	Missouri Dioxin Reassessments	2014	Not Defined	
MO	Rt. 66 Park (Under MO Dioxin Reassessment Site)	2014	Not Defined	
MO	Strecker Dioxin Site (Under MO Dioxin Reassessment)	2014	Not Defined	
<b>Region 8</b>				<b>3</b>
MT	Lockwood Solvent Ground Water Plume (OU 02)	2014	D	
UT	Ogden Railroad Yard	2013	L	
CO	Standard Mine	2014	D	
<b>Region 9</b>				<b>5</b>
CA	Hunter's Point	2013	Not Defined	
AZ	Iron King Mine	2013	I	
CA	McCormick & Baxter	2014	I	
CA	MEW Superfund Study Area	2012	I	
CA	Newmark Groundwater Site Event 3	2014	I	
<b>Region 10</b>				<b>6</b>
ID	Bunker Hill Mining & Metallurgical Complex OU 03	2014	I	
WA	Hamilton/Labree Roads GW Contamination Site	2015	D	
OR	Northridge Estates	2015	D	
OR	Portland Harbor/Rhone Poulenc	2011	I	
WA	Upper Columbia River	2013	Not Defined	
WA	Wyckoff Co./Eagle Harbor	2014	I	
<b>TOTAL</b>				<b>25</b>

\* I = Investigation, D = Design, R = Remedy, L = Long-Term Monitoring; a single event may have recommendations that fall into more than one focus area.



Technical support includes both planning and implementation activities and frequently results in products including work plans, quality assurance project plans, mapping and 3DVA products, and contaminant results that are used directly by the site teams. In many cases, EPA's technical support helps move a project forward and can help improve site decision-making. EPA has expanded its support services for environmental footprint analysis as well as 3DVA. Several technical support projects, including Hunter's Point, MEW, and Northridge Estates involved activities associated with green remediation and environmental footprint analysis. During this reporting time frame, six 3DVA technical support projects were completed. EPA considers 3DVA to be a best practice for completing site characterizations, transitioning site activities from RI to FS, evaluating remedy effectiveness, and monitoring remedy progress. Project Highlights 19, 20 and 21 below show the variety of activities for which EPA provides technical support.

## Highlight 19: Technical Support

Hamilton/Labree Roads GW Contamination Site, Hamilton Road Impact Area, OU 01, Chehalis, Washington

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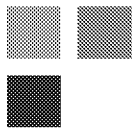
As part of the design phase of the project, technical support was provided for the Hamilton Road Impact Area (HRIA) of the Hamilton/Labree Roads GW Contamination site to plan and conduct a dynamic field investigation. Soil, sediment, and groundwater are contaminated with PCE from suspected illegal dumping in the past. The selected remedy includes in situ thermal treatment of soil and sediment, excavation and disposal of contaminated soil and sediment, and in situ bioremediation of contaminated groundwater. The technical support project was designed to identify the footprint of each of the components of the selected remedy. Real-time measurement technologies in combination with 3DVA mapping of results were used to define the various contamination zones at HRIA. Real-time results from each day's investigative efforts were processed in 3DVA software and the visualizations were then used to help guide the investigative efforts to be conducted on the following days. The results of the effort are being used in the design of the multi-component remedy.

## Highlight 20: Technical Support

Wyckoff Co./Eagle Harbor Site, Seattle, Washington

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The technical support for the Wyckoff Co./Eagle Harbor site involved conducting 3DVA using existing data for the source area. The contamination at the site includes subsurface soil and groundwater contamination with creosote from many years of wood treating operations at the facility. A large amount of existing data was available for the site. The existing data consisted of historical contaminant data as well as real-time data from the use of laser-induced fluorescence (LIF) direct push borings in the source zone. The 3DVA specialty contractor developed a methodology for using the LIF data without data reduction and potential corresponding loss of source definition. The 3DVA results helped to identify the various zones of contamination within the source area and assisted with calculation of the source volume in the subsurface. The technical support helped to move the project from the investigative phase into the remedy selection and design phases.



## Highlight 21: Technical Support

### Colorado Smelter Site, Pueblo, Colorado

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Historical operations at the Colorado Smelter site have resulted in lead and arsenic contamination of site soil and the soil of residences near the site. The technical support for the Colorado Smelter site involved planning and implementing soil sampling using X-ray fluorescence (XRF) in combination with an incremental sampling strategy for residences near the site. The project required planning support as well as design and execution of a Demonstration of Methods Applicability (DMA) study to ensure samples were collected, processed, and analyzed properly. A field soil laboratory was also established to ensure proper sample preparation and analysis. The XRF was used with a high level of quality control (QC) during the project, establishing a rigorous QC program and data from the XRF are continually evaluated against fixed laboratory methods for a subset of analytical samples. The DMA study also included a comparison of the 5-point composite sample currently in EPA's lead handbook with a 30-point incremental composite sample. The results of the technical support project concluded that the XRF did provide reliable results suitable for decision-making when used with proper sample processing support and careful QC. The comparison of the 5-point and 30-point composite sampling showed that the 30-point composite sampling strategy resulted in slightly fewer decision errors than 5-point composite sampling strategy. Though empirical evidence gathered from incremental sampling at a variety of sites has indicated that the 30-point strategy is usually necessary, at this site the 5-point approach adequately addressed matrix heterogeneity and provided acceptable decision error rates. The project also verified that careful decision unit selection, sample processing, subsampling, and analytical procedures were required for either strategy.

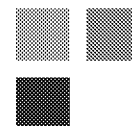
## 3.0 SUMMARY OF PROGRESS ON IMPLEMENTING THE NATIONAL OPTIMIZATION STRATEGY

EPA has continued to successfully implement the Strategy and expand the optimization program and its many benefits to reach a larger number of sites, across all stages of optimization, and all stages in the Superfund pipeline. The four main elements of the Strategy form the basis of development and implementation of the Strategy. They include:

- Element 1: Planning and Outreach.
- Element 2: Integration and Training.
- Element 3: Implementation.
- Element 4: Measurement and Reporting.

### 3.1 Planning and Outreach

EPA has continued to increase its success in planning and outreach, through a collaborative process between EPA HQ and the Regions, facilitated by ROLs and Superfund and Technology Liaisons (STLs), to continuously identify sites or site projects that would benefit from an optimization review. This includes Regions identifying sites that may benefit from an independent optimization review and requesting support from the EPA HQ team. Other government stakeholders (such as states, tribes and local governments) and communities are also requesting optimization technical support through



their respective EPA Regions. In addition, an increasing number of requests are being generated from the optimization material presented at CERCLA Education Center (CEC) and National Association of Remedial Project Managers (NARPM) Training Program courses and EPA HQ and regional presentations at outside conferences and training programs. Support may be provided by EPA HQ, Regions, or resources from other EPA offices such as the Office of Research and Development (ORD).

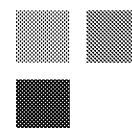
The use of optimization practices helps to address stakeholder concerns and provide information on the protectiveness and efficacy of remedies and may instill more confidence to communities that remedies are and will remain protective. EPA's optimization website [www.epa.gov/superfund/cleanup-optimization-superfund-sites](http://www.epa.gov/superfund/cleanup-optimization-superfund-sites) contains detailed information on the optimization program and is accessible to the public.

### 3.2 Integration and Training

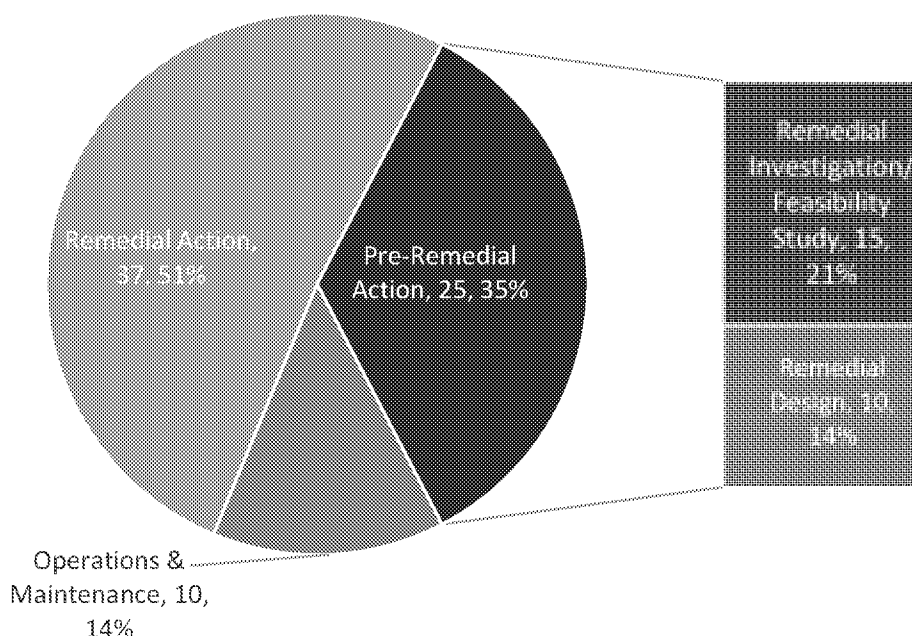
EPA continues to collect, synthesize and share optimization lessons learned through: (1) CEC and Environmental Response Training Program (ERTP) training courses; (2) NARPM and On-Scene Coordinator (OSC) Academy training programs; (3) periodic meetings of the National Optimization Team composed of EPA HQ staff, ROLs, and STLs; and (4) presentations at conferences and training programs sponsored by other entities within EPA (Brownfields, Federal Facilities and Resource Conservation and Recovery Act corrective action programs) and outside of EPA (such as Battelle conferences, Northeast Waste Management Officials' Association conferences, and Association of State and Territorial Solid Waste Management Officials events). EPA is in the process of developing and issuing three technical guides on topics related to optimization that were identified in the SPR Action Plan: smart scoping, strategic sampling approaches, and data management. EPA has also developed standard operating procedures such as project engagement forms, checklists and documentation to facilitate the scoping and conduct of optimization reviews.

### 3.3 Implementation

The primary goals of implementation are to extend optimization to all phases of the Superfund pipeline and to build capacity, thus allowing more optimization events to be conducted. Initially all optimizations were done for sites in the remedial action or O&M phase of the Superfund pipeline. Since implementing the Strategy, 35 percent of all optimizations are done in pre-remedial action phases including remedial investigation/feasibility study and remedial design phases (Figure 9).

**Figure 9: Superfund Phase of Optimization Events**

Number of Superfund Optimization Reviews and Technical Support Events = 72



\* Total Optimization Events included in the report = 86 (61 optimization reviews and 25 technical support efforts); 14 events were not at Superfund sites and are not included in the analysis.

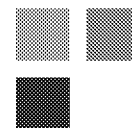
Prior to implementing the Strategy, EPA completed approximately seven optimizations per year. In late 2010, EPA initiated the development of the Strategy to increase the capacity for conducting optimizations and extending optimization to all phases of the Superfund pipeline. Since implementing the Strategy, EPA now completes 20 optimizations per year on average (Table 3, Section 1.2). In addition to the number of completions per year, the capacity to support ongoing optimization events has increased to an average of nearly 50 optimizations per year, with 68 events supported in FY 2016 (Table 10).

**Table 10: EPA Optimization Support**

Fiscal Year	Started	Ongoing	Completed	Number of Optimization Events and Technical Support Projects Supported by OSRTI*
2011	19	16	11	35
2012	21	24	18	45
2013	27	27	27	54
2014	18	27	29	45
2015	27	17	15	44
2016	39	29	30	68

\* This column represents the number of events started each fiscal year combined with the number of events ongoing from the previous fiscal years.





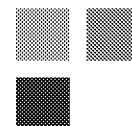
### 3.4 Measurement and Reporting

In order to more accurately track optimizations and be able to provide data and information regarding the program, EPA uses two tracking tables: the Optimization Project Log (OPL) and the Optimization Report Inventory and Tracking Tool (ORITT). In OPL, EPA lists all optimization events (technical support events and optimization review events) by site name and records key information about each event including:

- Event type (technical support or optimization review).
- Project lead, regional contact, and contractor support.
- Site type, media, and contaminant groups addressed.
- Current project status (anticipated, in progress or complete).
- Major project milestone dates (scoping call, kickoff call, site visit, drafts, and final reports).
- FY start and completion dates.

OPL is updated each month. Summary reports on the current status of all events supported during the current fiscal year are provided to EPA management. ORITT houses recommendation data from all optimization reviews that have been completed to date. EPA records the names and type of recommendations, the optimization focus of recommendations, and the implementation status of the recommendations. ORITT also includes the potential costs and savings projected by the optimization team for implementing each recommendation and can also include actual cost data when available.

Further details on meeting the goals of the Strategy are included in Appendix A.



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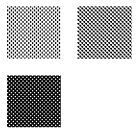
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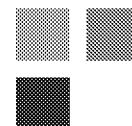
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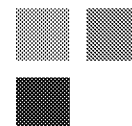
## APPENDIX A

### Progress on Implementing the National Optimization Strategy



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EPA has been successful in implementing the Strategy and expanding the optimization program, extending the benefits of optimization to a larger number of sites and across all stages of optimization and the Superfund pipeline from site assessment to site completion. This section presents a discussion of the successes and challenges EPA experienced while implementing the Strategy.

The Strategy instituted changes to the Superfund remedial program business processes to take advantage of newer tools and strategies that promote more effective and efficient cleanups. The Strategy identified several objectives to achieve verifiably protective site cleanups faster, cleaner, greener and cheaper. The Strategy envisions iterative efforts by Regions to pursue cost-effective expenditure of Superfund dollars, lower energy use, reduced carbon footprint, improved remedy effectiveness, improved project and site decision making, and accelerated project and site completion by deploying newer tools and strategies for site evaluation and remediation throughout the life cycle of the site cleanup.

Optimization in the context of the Strategy is defined as:

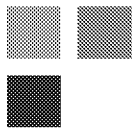
“Efforts at any phase of the removal or remedial response to identify and implement specific actions that improve the effectiveness and cost-efficiency of that phase. Such actions may also improve the remedy’s protectiveness and long-term implementation which may facilitate progress towards site completion. To identify these opportunities, regions may use a systematic site review by a team of independent technical experts, apply techniques or principles from Green Remediation or Triad, or apply other approaches to identify opportunities for greater efficiency and effectiveness.” (EPA, 2012b)

The Strategy is built on the success of existing strategies, coordination with similar optimization technical support efforts, and the expansion of optimization reviews to more sites and to all phases of the remedial pipeline. Four elements form the basis of development and implementation of the Strategy, as discussed in the following subsections:

- Section A.1 - Element 1: Planning and Outreach.
- Section A.2 - Element 2: Integration and Training.
- Section A.3 - Element 3: Implementation.
- Section A.4 - Element 4: Measurement and Reporting.

## A.1 Progress on Implementing Element 1: Planning and Outreach

Element 1 involves a series of planning and outreach efforts to document Strategy goals, apply optimization to improve community engagement, nominate sites for optimization and coordinate with related efforts. Element 1 is divided into four sub-elements. EPA’s progress on each sub-element under Element 1 is discussed below.



**Element 1.1: Establish Strategy Goals:** The Strategy established the following overarching goals:

- Incorporate optimization experience and principles in remedial program business practices including:
  - Assessment of site cleanup progress, site technical performance and costs;
  - Regional/EPA HQ work planning and reviews; and
  - Implementation of acquisition strategies and contracts management practices;
- Collect, synthesize and share optimization lessons learned;
- Apply optimization practices earlier and throughout the remedial pipeline;
- Increase the number of optimization reviews supported by EPA to 20 to 30 sites annually; and
- Measure optimization outcomes and report results.

EPA has successfully achieved or is in the process of achieving the overarching goals of Element 1.1. EPA has incorporated optimization experience and principles in remedial program business practices by continuing to assess site cleanup progress, technical performance and costs and documenting those in optimization reports and technical memos. Regions and EPA HQ work planning and reviews include an optimization component and all but one Region has identified a Regional Optimization Liaison (ROL) to facilitate optimization efforts at the regional level. In addition, Superfund and Technology Liaisons (STL) in all Regions are also participating in and facilitating Regional optimization activities. The EPA Superfund remedial program is in the process of replacing regional remedial contracts with a suite of national contracts to execute Superfund remedial work. Under these contracts, EPA will have the ability to incorporate optimization into task order requirements.

EPA continues to collect, synthesize and share optimization lessons learned through (1) CERCLA Education Center (CEC) and Environmental Response Training Program (ERTP) training courses, (2) National Association of Remedial Project Managers (NARPM) and On-Scene Coordinator (OSC) Academy training programs, (3) periodic meetings of the National Optimization Team composed of EPA HQ staff, ROLs, and STLs, and (4) presentations at conferences and training programs sponsored by other entities within EPA (Brownfields, Federal Facilities and Resource Conservation and Recovery Act corrective action programs) and outside of EPA (such as Battelle conference, Northeast Waste Management Officials' Association conference, and Association of State and Territorial Solid Waste Management Officials events).

EPA has applied optimization practices earlier and throughout the remedial pipeline, as evidenced in Figure 9 (Section 3 of main report). Figure 9 shows the Superfund stage of completed optimization events and technical support projects from FY 2011 through FY 2015. EPA currently has a number of additional ongoing optimization reviews and technical support projects underway, as shown in Table A-1. This table lists the number of initiated, ongoing, and completed events supported by EPA each year from FY 2011 through FY 2016. EPA has increased the number of optimization reviews and technical support projects it supports and has exceeded the goal of supporting 20 to 30 optimization reviews annually. EPA continues to measure optimization outcomes and is reporting on the results with this optimization progress report.

**Table A-1: EPA Support of Optimization**

Fiscal Year	Started	Ongoing	Completed	Number of Optimization Events and Technical Support Projects Supported by OSRT*
2011	19	16	11	35
2012	21	24	18	45
2013	27	27	27	54
2014	18	27	29	45
2015	27	17	15	44
2016	39	29	30	68

\* This column represents the number of events started each fiscal year combined with the number of events ongoing from the previous fiscal years.

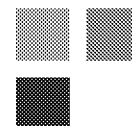
### **Element 1.2: Apply Optimization as a Means to Improve Community Engagement:** The

Strategy identifies how optimization can be instrumental in providing structure and tools to improve communication with communities, local stakeholders, regulatory agencies, tribes and Potentially Responsible Parties (PRPs). Below are examples of how optimization was used during FY 2011 through FY 2015 to facilitate or improve community involvement and communication:

**1.2.1 Triad Approach.** The Triad is an innovative approach to decision-making for hazardous waste site characterization and remediation. The Triad approach proactively exploits new characterization and treatment tools using innovative work strategies. The Triad refers to three primary components: systematic planning, dynamic work strategies, and real-time measurement systems. Efforts to advance site management strategies that help to more fully characterize sites and to increase confidence in the understanding of the extent, location and behavior of contamination can help communicate site conditions and progress to stakeholders. EPA recently updated its Triad training with revision of the CEC course, "Best Practices for Site Characterization Throughout the Remediation Process," by clearly identifying the best practices, updating the case studies with recent examples, and developing exercises that give participants the opportunity to apply the Triad concepts covered in the course.

**1.2.2 Remediation System Evaluations (RSE) and Long-Term Monitoring Optimization (LTMO).** EPA continued to conduct RSEs and LTMOs as part of remedy and LTM optimization reviews. The use of these and other optimization practices help to address stakeholder concerns and provide information on the protectiveness and efficacy of remedies and may instill more confidence to communities that remedies are and remain protective. The website [www.epa.gov/superfund/cleanup-optimization-superfund-sites](http://www.epa.gov/superfund/cleanup-optimization-superfund-sites) contains detailed information on the optimization program and is accessible to the public.

**1.2.3 Green Remediation.** EPA has continued its effort to reduce the environmental footprint of remedies through environmental footprint reviews and has developed technical resources and training to assist project teams with site-specific efforts. These efforts help stakeholders understand the potential effects of remedies on their environment and project teams to understand and minimize those effects. The website [www.epa.gov/superfund/superfund-green-remediation](http://www.epa.gov/superfund/superfund-green-remediation) contains more information, technical resources, and available training sessions and is accessible to the public.



**1.2.4 Knowledge Transfer.** Current information resources and infrastructure, provided through [www.epa.gov/superfund](http://www.epa.gov/superfund) and [www.epa.gov/superfund/superfund-training-and-learning-center](http://www.epa.gov/superfund/superfund-training-and-learning-center) and the Technology Innovation and Field Services Division's (TIFSD) internet seminars, provide a great deal of readily available and accessible information to stakeholders. In addition, EPA HQ, Regions and ORD subject matter experts have assisted regions with community meetings related to site characterization and cleanup.

**1.2.5 Training.** EPA's CEC and ERTTP provided training for the EPA and state regulators, tribes, other government stakeholders, and private industry that has been updated and revised to integrate both optimization and stakeholder engagement concepts. CEC and ERTTP training courses are described on the website [www.trainex.org/](http://www.trainex.org/), which is also used for course registration.

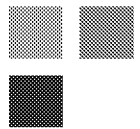
**Element 1.3: Identify Projects and Sites for Optimization:** A collaborative process between EPA HQ and the Regions, facilitated by ROLs and STLs, is being used to identify sites or site projects that would benefit from an optimization review. Regions determine which sites may warrant an independent optimization review and, as applicable, request optimization support from the EPA HQ team. Support can be provided by EPA HQ, Regional or ORD resources. In addition, an increasing number of requests are being generated from the optimization material presented at CEC and NARPM Training Program courses and EPA HQ and regional presentations at outside conferences and training programs.

Other government stakeholders (such as states, tribes and local governments) and communities may also seek optimization technical support through their respective EPA regions and these requests are also frequently triggered after CEC course deliveries. Based on regional determination and available resources, EPA HQ, ORD, and Regions have provided stakeholders the requested technical support.

**Element 1.4: Coordinate with Complementary Technical Support Efforts:** Optimization efforts continue to support established remedial program goals. Optimization reviews and technical support projects collaterally support the National Remedy Review Board, Contaminated Sediments Technical Advisory Group, and Value Engineering efforts, five-year reviews and transfer of sites from LTRA to O&M. Optimization efforts also facilitate progress towards achievement of program measures such as construction completion, site-wide ready for anticipated use, human exposure under control, and groundwater migration under control.

Under this element the National Optimization Program coordinates with key related EPA workgroups to connect with optimization and avoid conflicts with their efforts. Key workgroups include the subgroups of the Technical Review Workgroup, the forums under EPA's Technical Support Program, including NARPM and the Ground Water Forum, Engineering Forum, and Federal Facilities Forum.





## A.2 Progress on Implementing Element 2: Integration and Training

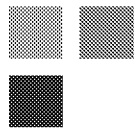
EPA has integrated optimization into program operations by creating technical resources to supplement existing guidance documents (as appropriate) and integrating optimization into its training programs. EPA is in the process of evaluating current incentives for optimization, addressing optimization in new guidance, and incorporating optimization language into contracts. Element 2 of the Strategy has three sub-elements which are discussed below.

### **Element 2.1: Create Technical Resources to Supplement Existing Guidance and Policy, and**

**Address Optimization in New Guidance:** EPA organized existing optimization-related resources on the website [www.epa.gov/superfund/cleanup-optimization-superfund-sites](http://www.epa.gov/superfund/cleanup-optimization-superfund-sites), to provide easy access for a broad spectrum of stakeholders. Written resources include report templates, technical Triad resources, and completed optimization review reports. In addition, EPA technical staff with expertise in optimization (EPA HQ and regional ROLs and STLs) are identified on the optimization website. These resources describe how optimization principles, practices and techniques can be utilized with current programmatic guidance. Existing guidance has been and continues to be supplemented by directives, technical bulletins, fact sheets and other technical materials to explain how optimization applies at various stages of cleanup. For example, EPA is in the process of developing and issuing three technical guides on topics related to optimization: smart scoping, strategic sampling approaches, and data management. These technical guides were identified in the Superfund Remedial Program Review Action Plan. EPA has also developed standard operating procedures such as project engagement forms, checklists and documentation to facilitate the scoping and conduct of optimization reviews.

**Element 2.2: Adopt Lessons Learned into Business Practices:** On a routine basis, optimization lessons learned are collected, summarized and discussed by EPA and regional program and project staff to determine how business practices, including contracting, can benefit from these lessons learned. The National Optimization Team meets regularly to identify these lessons learned and create strategies to ensure they are distributed broadly across the Superfund program. The EPA Superfund remedial program is in the process of replacing regional remedial contracts with a suite of national contracts to execute Superfund remedial work. Under these contracts, EPA will have the ability to incorporate optimization into task order requirements.

**Element 2.3: Formalize an Optimization Training Program:** EPA made significant progress on this element of the Strategy through in-person classroom training events and internet-based training events, and by presenting optimization findings at numerous national conferences. EPA focused its training efforts on Remedial Project Managers (RPMs) and technical staff by participating in and developing training courses for the CEC, NARPM training program and Technical Support Project Forum meetings. All existing CEC courses have been revised and updated to include optimization concepts and promote optimization efforts. EPA developed two technical groundwater courses on High-Resolution Site Characterization (HRSC) for unconsolidated environments and fractured sedimentary bedrock environments and has been delivering these courses since 2012. Groundwater HRSC optimizes the characterization of contamination in groundwater which leads to targeted actions and combined remedies that facilitate restoration and site completion. In addition, significant



revisions were made to the CEC's "Best Practices for Site Characterization Throughout the Remediation Process" to clearly identify the set of best practices for investigation-focused optimization activities and to include recent case studies. EPA continues to review optimization training needs, consolidate existing training material, and develop new training as needed. New training will be delivered to RPMs and other project managers and technical staff using the CEC, E RTP, and internet-based training events.

Optimization training supplements guidance and other technical resources and provides a number of benefits, including, but not limited to:

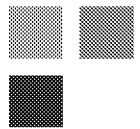
- Increased knowledge of optimization practices and tools for all participants;
- National consistency in the quality of, approach to and outcomes of optimization efforts;
- An increase in the number of sites that are recommended for optimization; and
- Expansion of region-led optimization efforts.

### A.3 Progress on Implementing Element 3: Implementation

Element 3 involves implementing the Strategy based on the goals established through the planning process. Implementation involves conducting optimization reviews at all stages of the project pipeline beginning with site assessment; incorporating Triad, Green Remediation and other best practices; providing access to a pool of qualified optimization contractors; developing the capabilities of regions and other stakeholders; and advancing the application of innovative optimization strategies. EPA's progress on implementing the seven sub-elements of Element 3 are described below.

**Element 3.1: Conduct Optimization Reviews at all Stages of the Project Pipeline Beginning with Site Assessment:** EPA has achieved its goal of supporting 20 to 30 optimization reviews and technical support projects as shown in Exhibit A-1 above. Investigation-focused optimization reviews and technical support projects are being conducted at a steady pace. EPA is currently supporting two technical support projects in the site assessment phase (before listing of the sites on the National Priority List) with 3-dimensional visualization and analysis (3DVA) of existing data to supplement the Hazard Ranking System packages for those projects.

**Element 3.2: Expand Optimization to Earlier Project Pipeline Stages and Incorporate Triad, Green Remediation and Other Best Practices:** In accordance with the Strategy, EPA has expanded optimization to sites earlier in the Superfund project pipeline, including site assessment, RI, FS and RD as demonstrated in Figure 9, in Section 3 of this report. Site characterization best practices are stressed in investigation-focused optimization reviews and technical support projects, regardless of which phase of the remedial pipeline site characterization activities are being conducted. EPA has expanded the use of 3DVA (characterization best practice) by supporting projects in all phases, from site assessment to the remedial action phase. EPA is currently providing technical site support for conducting HRSC for groundwater and incremental sampling using x-ray fluorescence for soil, both of which are considered to be strategic sampling approaches and best practices for site characterization. In addition, green remediation is addressed during every



optimization review conducted by EPA. EPA also provides technical support for conducting environmental footprint analyses and implementing green remediation best management practices.

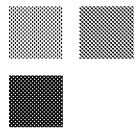
**Element 3.3: Independent Party Optimization Review Steps:** EPA developed several documents to establish a consistent and standardized approach to implementing optimization reviews. These documents facilitate the tracking of optimization and technical support events from team development to issuance of a final report or technical support product and ease the identification and tracking of optimization recommendations from optimization review reports. As the number of different parties conducting optimization reviews and technical support has increased, it is even more important that everyone adhere to standard operating procedures. Without consistency, both the tracking of the optimization reviews and technical support projects and the identification and tracking of optimization recommendations is more difficult. Moving forward, EPA will be able to update these documents as any procedures or tracking requirements change. These documents are made available in electronic format to optimization team members and include:

- An optimization standard operating procedure;
- An optimization primer and overview;
- An optimization engagement form;
- Management notification emails; and
- A template optimization report.

**Element 3.4: Provide Access to a Pool of Qualified, Independent Contractors:** Optimization involves the synthesis and analysis of a significant quantity of data in a limited time frame and budget. To accomplish optimization objectives, EPA must have access to a pool of highly-qualified technical experts with the demonstrated qualifications to provide the capacity to accomplish these goals on highly challenging, unique, and complex sites across the country. EPA expanded the number of these technical experts in various organizations including in EPA HQ (TIFSD), Environmental Response Team (ERT), and Assessment and Remediation Division, ORD, Argonne National Laboratory, the U.S. Army Corps of Engineers (USACE), and EPA contractors. EPA will continue to look for ways to increase this pool of qualified experts, including through training of staff and accessing additional expertise through EPA contracts such as the new Remedial Action Framework national contracts.

**Element 3.5: Develop Regional Optimization Capabilities:** To fully integrate optimization into the remedial program, regional offices are involved in planning and implementing optimization at all stages of the remedial process. All Regions but one have assigned an ROL to facilitate the expansion of regional optimization capabilities. STLs in every region are also helping to identify optimization opportunities and facilitate optimization reviews and technical support activities. ROLs and STLs are assisting with implementation of the Strategy.

**Element 3.6: Develop Other Stakeholders' Capabilities:** A wide range of stakeholders, including state project managers and tribal nations are included at the outset of optimization reviews, during implementation, and during follow-up tracking. EPA continues to build the capabilities of stakeholders through its various training programs which integrate optimization concepts with other



technical content related to Superfund. Many state and tribal stakeholders have already taken or are planning to participate in these trainings.

**Element 3.7: Advance Application of Innovative Optimization Strategies:** EPA has continued to advance innovation in the optimization arena by participating in ongoing research projects (for example, ORD, Department of Defense's Strategic Environmental Research and Development Program and Environmental Security Technology Certification Program, National Institute of Environmental Health Sciences Superfund Research Program, Interstate Technology and Regulatory Council, national laboratories and universities), performing general tracking of developments by other agencies or the private sector, and encouraging and deploying innovative approaches at Superfund sites.

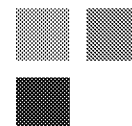
## A.4 Progress on Implementing Element 4: Measurement and Reporting

Element 4 involves tracking progress of optimization, measuring outcomes and accounting for related costs. Element 4 has three sub-elements which are discussed below.

**Element 4.1: Track Implementation of Recommendations:** EPA tracks the implementation of all optimization review recommendations provided in optimization reports. The Superfund Optimization Progress Report is EPA's primary vehicle for reporting on the progress of optimization recommendation implementation, with this current version providing an update on progress during FY 2011 through FY 2015. EPA has focused its optimization resources on scaling up the program to cover activities across all focus areas of the optimization process and all phases of the Superfund pipeline and to increasing the number of optimization reviews and technical support projects. Currently, EPA collects the following information for optimization reviews:

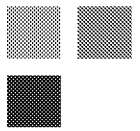
- Status of each optimization recommendation (implemented, alternative implemented, in progress, planned, under consideration, deferred to state/PRP, and declined)—the collection of this information is facilitated by use of a menu of choices that can then be easily tracked;
- Cost impacts of each optimization recommendation (capital costs, O&M costs, and cost savings)—the collection of cost savings has been difficult and could be improved;
- Benefits that resulted from implementation—recommendations are put into five categories which describe five broad benefits. Collecting more detailed information on the benefits, such as the use of best practices and strategic sampling approaches and improved data management can only be discovered by reading each recommendation follow-up narrative. The reporting process would benefit from the development of a drop down list from which specific benefits could be chosen; and
- Obstacles encountered during implementation are recorded by narrative provided by the project manager for each recommendation. The reporting process would benefit from having a specific question regarding obstacles encountered.

**Element 4.2: Measure Optimization Outcomes and Report Results:** The analyses performed for the Superfund Optimization Progress Report included measuring the optimization outcomes using the available data and information collected for the report. EPA is improving its processes for



collecting optimization data and information, including identifying ways to streamline data collection. For example, EPA is making the process of collecting follow-up information on the implementation of optimization recommendation easier and more frequent.

**Element 4.3: Monitor Cost Accounting:** EPA tracks and reports on the costs of conducting individual optimization reviews and implementing the Strategy. In addition, the optimization team's estimates of potential costs and savings of implementing individual recommendations are included as part of an optimization review. However, the availability of actual cost information on the implementation of optimization recommendations has been limited, with these data often difficult to obtain. Reasons cited include time constraints on remedial staff and difficulty in quantifying actual cost savings. For example, as optimizations are implemented earlier in the Superfund pipeline, improving site characterization and having more complete conceptual site models are intended to lead to better remedy selection and design, leading to rapid achievement of RAOs and site closure. However, quantifying the difficulties and "avoided costs" that could have resulted from not conducting optimization early on, can be difficult to estimate. EPA is continuing to work on improving cost data.



## APPENDIX B

### List of Completed Optimization and Technical Support Events FY 1997 – FY 2015\*

\*Not all FY 2015's were completed in time to be included in the progress report.

State	Site	Fiscal Year Complete	Total Optimization Events
<b>Region 1</b>			<b>17</b>
MA	Baird & McGuire - Event 1	2002	
MA	Baird & McGuire - Event 2	2013	
NY	BCF Oil Refining, Inc.	2009	
ME	Eastern Surplus	2012	
MA	Engelhard Corporation Facility	2005	
MA	Fairmont Line- Modern Electroplating	2013	
MA	Groveland Wells No. 1 & 2 - Event 1	2002	
MA	Groveland Wells No. 1 & 2 - Event 2	2013	
MA	Groveland Wells No. 1 & 2 - Event 3	2014	
NH	Kearsarge Metallurgical Corp.	2010	
NH	Ottati & Goss/Kingston Steel Drum	2014	
CT	Ridson Corporation	2004	
NH	Savage Municipal Water Supply	2001	
MA	Silresim Chemical Corp. - Event 1	2002	
MA	Silresim Chemical Corp. - Event 2	2014	
NH	Somersworth Sanitary Landfill - Event 1	2009	
NH	Sylvester	2009	
<b>Region 2</b>			<b>24</b>
NJ	A-Z Automotive	2004	
NJ	Bog Creek Farm	2002	
NY	Brewster Well Field	2002	
NJ	Ciba-Giegy Corp.	2012	
NY	Circuitron Corp.	2005	
NY	Claremont Polychemical	2002	
NJ	Ellis Property	2006	
NY	Fulton Avenue	2013	
NY	GCL Tie and Treating Inc.	2007	
NJ	Higgins Farm	2004	
NJ	King of Prussia	2012	
NY	Mattiace Petrochemical Co., Inc.	2001	
NJ	MetalTec/Aerosystems - Event 1	2012	
NJ	MetalTec/Aerosystems - Event 2	2015	
NY	Morgan Terminal	2004	
NJ	Passaic River- Diamond Alkali	2011	
NY	Richardson Hill Road Landfill/Pond	2012	
NJ	Rockaway Borough Well Field, OU 02	2014	

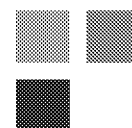
State	Site	Fiscal Year Complete	Total Optimization Events
NJ	Shorco South	2004	
NY	Sidney Landfill	2012	
NY	SMS Instruments, Inc.	2004	
NY	South Buffalo Brownfields Opportunity Area	2012	
VI	Tutu Wellfield	2011	
NJ	Vineland Chemical Co., Inc.	2011	
NJ	A-Z Automotive	2004	
<b>Region 3</b>			<b>24</b>
PA	A.I. W. Frank/Mid-County Mustang	2006	
PA	Butz Landfill	2006	
PA	Clearview Landfill - OU 03	2014	
PA	Crossley Farm	2006	
PA	Croydon TCE	2006	
PA	Cryochem, Inc.	2006	
DE	Dover Gas Light Co., OU 02	2015	
PA	Fischer & Porter Co.	2014	
PA	Former Honeywell Facility	2003	
VA	Fort Eustis (US Army)	2013	
VA	Greenwood Chemical Co. - Event 1	2004	
VA	Greenwood Chemical Co. - Event 2	2006	
PA	Havertown PCP - Event 1	2004	
PA	Havertown PCP - Event 2	2006	
PA	Hellertown Manufacturing Co. - Event 1	2002	
PA	Hellertown Manufacturing Co. - Event 2	2006	
PA	Mill Creek Dump	2010	
PA	North Penn - Area 1	2006	
PA	North Penn - Area 6	2012	
VA	Peck Iron and Metal	2013	
PA	Raymark - Event 1	2002	
PA	Raymark - Event 2	2006	
VA	Saunders Supply Co. - Event 1	2006	
DE	Standard Chlorine of Delaware, Inc.	2007	
<b>Region 4</b>			<b>12</b>
FL	Alaric Area GW Plume	2010	
FL	American Creosote Works, Inc. (Pensacola Plant)	2006	
NC	Benfield Industries, Inc.	2007	
NC	Cape Fear Wood Preserving	2005	



State	Site	Fiscal Year Complete	Total Optimization Events
NC	Celanese Corp. (Shelby Fiber Operations)	2009	
FL	Chemko Technical Services, Inc. Facility	2005	
SC	Eliskim Facility	2004	
SC	Elmore Waste Disposal	2001	
NC	FCX, Inc. (Statesville Plant)	2002	
FL	Taylor Road Landfill	2007	
TN	Velsicol Chemical Corp. (Hardeman County)	2013	
GA	Woolfolk Chemical Works, Inc.	2008	
<b>Region 5</b>			<b>16</b>
MN	Baytown Township Ground Water Plume	2011	
MI	Clare Water Supply - Event 1	2007	
MI	Clare Water Supply - Event 2	2007	
OH	Delphi VOC Site	2003	
IN	Douglass Road/Uniroyal, Inc. Landfill	2004	
OH	Lincoln Fields Co-Op Water Assn Duke Well	2015	
MN	MacGillis & Gibbs Co./Bell Lumber & Pole Co.	2001	
WI	Moss-American Co., Inc. (Kerr-McGee Oil Co.)	2011	
WI	Oconomowoc Electroplating Co., Inc.	1997	
MI	Ott/Story/Cordova Chemical Co. - Event 1	2002	
MI	Peerless Plating Co.	2006	
WI	Penta Wood Products	2006	
IN	Reilly Tar & Chemical Corp. (Indianapolis Plant)	2004	
WI	Stoughton City Landfill	2008	
MI	Wash King Laundry - Event 1	2006	
MI	Wash King Laundry - Event 2	2011	
<b>Region 6</b>			<b>16</b>
LA	American Creosote Works, Inc. (Winnfield Plant)	2008	
LA	Bayou Bonfouca	2001	
TX	Conroe Creosoting Co.	2015	
LA	Delatte Metals	2009	
TX	East 67th Street Ground Water Plume	2014	
NM	Grants Chlorinated Solvents	2008	
NM	Homestake Mining Co.	2011	
TX	Jones Road Ground Water Plume	2014	
NM	McGaffey & Main Groundwater Plume - Event 1, OU 02	2012	
NM	McGaffey & Main Groundwater Plume - Event 2, OU 03	2015	
AR	Midland Products	2001	

State	Site	Fiscal Year Complete	Total Optimization Events
NM	North Railroad Avenue Plume	2015	
AR	Ouachita Nevada Wood Treater	2015	
TX	Sandy Beach Road Ground Water Plume	2014	
TX	State Road 114 Groundwater Plume	2014	
OK	Tar Creek (Ottawa County) - Event 1-OU 04	2014	
<b>Region 7</b>			<b>19</b>
NE	10th Street Site - Event 1	2010	
NE	10th Street Site - Event 2	2014	
KS	57th and North Broadway Streets Site	2006	
KS	Ace Services - Event 1	2007	
KS	Ace Services - Event 2	2013	
NE	Cleburn Street Well	2001	
NE	Eaton Corp-Kearney	2006	
IA	Fairfield Coal Gasification Plant	2012	
IA	General Motors S.C.	2012	
NE	Hastings Ground Water Contamination	2013	
MO	Lee Chemical	2012	
MO	Missouri Dioxin Reassessments	2014	
MO	Missouri Tannery Sludge	2010	
IA	Nichols Groundwater Contamination, (Cropmate)	2014	
NE	Ogallala Ground Water Contamination	2013	
IA	Railroad Avenue Groundwater Contamination	2014	
MO	Rt. 66 Park (Under MO Dioxin Reassessment site)	2014	
MO	Strecker Dioxin Site (Under MO Dioxin Reassessment)	2014	
MO	Valley Park TCE	2013	
<b>Region 8</b>			<b>3</b>
SD	Batesland (Former Mobil Gas Station)	2013	
MT	Burlington Northern (Somers Plant) (BNSF Railway)	2015	
CO	Central City, Clear Creek	2007	
UT	Former Old Hilltop (Hilltop Station)	2013	
CO	French Gulch	2013	
SD	Gilt Edge Mine	2013	
MT	Idaho Pole Co. - Event 1	2009	
MT	Idaho Pole Co. - Event 2	2015	
UT	Intermountain Waste Oil Refinery (IWOR)	2011	
UT	Jacobs Smelter	2010	
MT	Lockwood Solvent Ground Water Plume - Event 1, (OU 01)	2014	

State	Site	Fiscal Year Complete	Total Optimization Events
MT	Lockwood Solvent Ground Water Plume - Event 2, (OU 02)	2014	
UT	Ogden Railroad Yard	2013	
SD	Pine Ridge Oil	2013	
CO	Standard Mine - Event 1	2014	
CO	Summitville Mine - Event 1	2002	
<b>Region 9</b>			<b>26</b>
CA	Applied Materials	2012	
NM	Bond & Bond/Nav 046 Site	2013	
CA	BP Carson Refinery	2006	
NV	Carson River Mercury Site Event 1, OU 02	2014	
AZ	Davis Chevrolet/Nav 185 Site	2013	
CA	Hunter's Point	2013	
CA	Intel Magnetics	2013	
AZ	Iron King Mine - Humboldt Smelter - Event 1	2014	
AZ	Iron King Mine - Humboldt Smelter - Event 2	2014	
AZ	Iron King Mine - Humboldt Smelter - Event 3	2013	
CA	Klau/Buena Vista Mine - Event 1	2010	
CA	Lava Cap Mine (OU 03) - Event 1	2014	
CA	McCormick & Baxter Creosoting Co. - Event 1	2014	
CA	Middlefield – Ellis – Whisman (MEW) Study Area - Footprint Analysis	2012	
CA	Middlefield – Ellis – Whisman (MEW) Study Area - Optimization Report	2012	
CA	Modesto Ground Water Contamination	2002	
CA	Newmark Ground Water Contamination - Event 1 (First MAROS)	2007	
CA	Newmark Ground Water Contamination - Event 2 (Second MAROS)	2009	
CA	Newmark Ground Water Contamination - Event 3 (First 3DVA)	2014	
CA	Newmark Ground Water Contamination - Event 4 (Third MAROS)	2015	
AZ	Painted Desert Inn/Nav 049 Site	2013	
CA	Pemaco Maywood	2011	
CA	San Fernando Valley (Area 1)	2012	
CA	Selma Treating Co. - Event 1	2002	
CA	Sulphur Bank Mercury Mine	2015	
AZ	Telles Ranch/CRIT 002	2013	



State	Site	Fiscal Year Complete	Total Optimization Events
Region 10			24
OR	Black Butte Mine	2012	
WA	Boomsnub/Airco	2002	
ID	Bunker Hill Mining & Metallurgical Complex - Event 1	2006	
ID	Bunker Hill Mining & Metallurgical Complex - Event 2, OU 02 (CTP)	2013	
ID	Bunker Hill Mining & Metallurgical Complex - Event 3, OU 03	2014	
WA	Colbert Landfill	2011	
WA	Commencement Bay, South Tacoma Channel - Event 1	2002	
WA	Commencement Bay, South Tacoma Channel - Event 2	2008	
WA	Frontier Hard Chrome, Inc.	2008	
WA	Hamilton/Labree Roads GW Contamination (HRIA) - Event 1	2010	
WA	Hamilton/Labree Roads GW Contamination (HRIA) - Event 2	2015	
WA	Keyport (Official name: Naval Undersea Warfare Engineering Station (4 Waste Areas)), Operable Unit 1/Area 1— Keyport Landfill, WA	2013	
AK	Kodiak USCG Integrated Support Command Base	2015	
OR	McCormick & Baxter Creosoting Co. (Portland Plant)	2002	
WA	Moses Lake Wellfield Contamination	2015	
	Northridge Estates	2015	
OR	Northwest Pipe and Casing/Hall Process Company - Event 1	2007	
WA	Occidental Chemical Corporation	2004	
WA	Palermo Well Field Ground Water Contamination	2012	
OR	Portland Harbor	2011	
WA	Upper Columbia River	2013	
WA	US Navy Whidbey Island Naval Air Station, (Ault Field/OU 1)	2014	
WA	Wyckoff Co./Eagle Harbor - Event 1	2005	
WA	Wyckoff Co./Eagle Harbor - Event 2	2014	
TOTAL			194

Message

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**From:** Hope, Brian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C27B55619FB248CC8776FC46CD3F8B0D-BHOPE]  
**Sent:** 12/27/2017 5:13:12 PM  
**To:** CMS.OEX [CMS.OEX@epa.gov]  
**Subject:** FW: Message from Tar Creek  
**Attachments:** IMG\_1793.JPG

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**From:** [Ex. 6 - Personal Privacy] @att.net [mailto:[Ex. 6 - Personal Privacy] @att.net]  
**Sent:** Friday, December 22, 2017 12:30 PM  
**To:** Pruitt, Scott <Pruitt.Scott@epa.gov>  
**Subject:** Message from Tar Creek

Dear Mr. Pruitt,

We are hoping you have the best of holidays. We are sending you a banner from Tar Creek, it will be arriving in a box decorated with Christmas wrapping. The only thing inside is a banner with signatures from people who care like you do and want a clean Tar Creek (and a piece of paper with these words on it). In order to have it happen we know you have our support for a strong EPA and the funding you will need to make the Superfund Program work for our communities and all the others across the country.

With Regards,  
Rebecca Jim

LEAD Agency, Inc.



Virus-free. [www.avast.com](http://www.avast.com)



Message

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**From:** Hope, Brian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C27B55619FB248CC8776FC46CD3F8B0D-BHOPE]  
**Sent:** 12/13/2017 2:48:13 PM  
**To:** CMS.OEX [CMS.OEX@epa.gov]  
**Subject:** FW: Tar Creek

-----Original Message-----

From: Tracey MacDermott [mailto:Ex. 6 - Personal Privacy@yahoo.com]  
Sent: Wednesday, December 13, 2017 8:45 AM  
To: Pruitt, Scott <Pruitt.Scott@epa.gov>  
Subject: Tar Creek

I have to wonder why you refused to prosecute over the environmental disaster at Tar Creek? Your destruction and disgusting favors know no end!

Message

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**From:** Jackson, Ryan [jackson.ryan@epa.gov]  
**Sent:** 3/5/2018 9:28:59 PM  
**To:** Ford, Hayley [ford.hayley@epa.gov]  
**CC:** Hupp, Millan [hupp.millan@epa.gov]  
**Subject:** RE:

Yes, thanks.

---

**From:** Ford, Hayley  
**Sent:** Monday, March 5, 2018 1:55 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Hupp, Millan <hupp.millan@epa.gov>  
**Subject:** RE:

Ryan –

Pretty sure your email means to go ahead and set this up, but wanted to let you know below is what they said they want to discuss. I spoke to Kell and he'd like to sit in, but he only has a guess about what they might want to talk about in regards to this. Just want to make sure you have a better handle on it and ok to set up.

To discuss far creek and WFLA and infrastructure at the site for the future

*Hayley Ford*

Deputy White House Liaison and Personal Aide to the Administrator  
Environmental Protection Agency

[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)

Phone: 202-564-2022

Cell: Ex. 6 - Personal Privacy

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**From:** Jackson, Ryan  
**Sent:** Monday, March 5, 2018 11:12 AM  
**To:** Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>  
**Subject:**

John Berrey and Barry Switzer would like to meet with SP on a water issue on March 14. John can be reached at

Ex. 6 - Personal Privacy [ogahpah.com](mailto:ogahpah.com)

Ryan Jackson  
Chief of Staff  
U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy



Message

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**From:** Ford, Hayley [ford.hayley@epa.gov]  
**Sent:** 3/5/2018 6:54:41 PM  
**To:** Jackson, Ryan [jackson.ryan@epa.gov]  
**CC:** Hupp, Millan [hupp.millan@epa.gov]  
**Subject:** RE:

Ryan –

Pretty sure your email means to go ahead and set this up, but wanted to let you know below is what they said they want to discuss. I spoke to Kell and he'd like to sit in, but he only has a guess about what they might want to talk about in regards to this. Just want to make sure you have a better handle on it and ok to set up.

To discuss tar creek and WIFIA and infrastructure at the site for the future

***Hayley Ford***

Deputy White House Liaison and Personal Aide to the Administrator  
Environmental Protection Agency

[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)

Phone: 202-564-2022

Cell: Ex. 6 - Personal Privacy

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**From:** Jackson, Ryan  
**Sent:** Monday, March 5, 2018 11:12 AM  
**To:** Ford, Hayley <ford.hayley@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>  
**Subject:**

John Berrey and Barry Switzer would like to meet with SP on a water issue on March 14. John can be reached at

Ex. 6 - Personal Privacy [@ogahpah.com](mailto:ogahpah.com)

Ryan Jackson  
Chief of Staff  
U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

Message

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**From:** Ford, Hayley [ford.hayley@epa.gov]  
**Sent:** 3/5/2018 6:50:39 PM  
**To:** Hupp, Millan [hupp.millan@epa.gov]  
**Subject:** FW: EPA Meeting Request  
**Attachments:** EPA Administrator Pruitt External Meeting Request Form 3.5.18.docx

We have availability on the schedule for this meeting March 14. Since that's what they're asking for, are you ok if I just schedule for then (after running by Kell quick)? Assume you're not looking for time to fill in OK.

***Hayley Ford***

Deputy White House Liaison and Personal Aide to the Administrator  
Environmental Protection Agency

[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)

Phone: 202-564-2022

Cell: Ex. 6 - Personal Privacy

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**From:** Tena Smith [mailto:Ex. 6 - Personal Privacy@DOWNSTREAMCASINO.COM]  
**Sent:** Monday, March 5, 2018 1:44 PM  
**To:** Ford, Hayley <ford.hayley@epa.gov>  
**Cc:** jberrey <Ex. 6 - Personal Privacy@ogahpah.com>; Hupp, Millan <hupp.millan@epa.gov>  
**Subject:** RE: EPA Meeting Request

Ms. Ford,  
Attached is the completed meeting request form.  
Any questions please let me know.

Thank you,  
Tena Smith  
Executive Office Manager  
Downstream Casino Resort  
69300 E Nee Rd  
Quapaw, OK 74363

**Ex. 6 - Personal Privacy**

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**From:** jberrey  
**Sent:** Monday, March 05, 2018 12:20 PM  
**To:** Tena Smith <Ex. 6 - Personal Privacy@DOWNSTREAMCASINO.COM>  
**Subject:** FW: EPA Meeting Request

March 14 please.

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**From:** "Ford, Hayley" <ford.hayley@epa.gov>  
**Date:** Monday, March 5, 2018 at 11:55 AM  
**To:** John Berrey <jberrey@ogahpah.com>  
**Cc:** "Hupp, Millan" <hupp.millan@epa.gov>  
**Subject:** EPA Meeting Request

Hello John,

Ryan Jackson passed along that you would like to meet with Administrator Pruitt next week on a water issue. Could you complete the attached form to give a little more information and we can look into this for you?

Thanks!

***Hayley Ford***

Deputy White House Liaison and Personal Aide to the Administrator

Environmental Protection Agency

[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)

Phone: 202-564-2022

Cell: Ex. 6 - Personal Privacy

Message

---

**From:** [Ex. 6 - Personal Privacy]@vzwpix.com [Ex. 6 - Personal Privacy]@vzwpix.com]  
**Sent:** 5/16/2018 3:46:05 PM  
**To:** Hupp, Millan [hupp.millan@epa.gov]  
**Attachments:** text\_0.txt

Subject: Mike Hunter

Date: May 29, 2017

Who: Scott Pruitt

PRUITT:

Miss Millan --- good day to you. Below msg from Mike Hunter. We can discuss later. Told him I would love to connect and that we would evaluate in light of departure that day.

Scott

Will be in DC 6/5 and 6/6. Can I buy you a cup of coffee?

Mike

HUPP:

Good afternoon to you as well. Might be tough given your 230PM flight to JFK. I'll make a note and we can assess as we get closer. Would be nice to see him.

PRUITT:

Let's discuss later. I am actually planning on going to OK this weekend as well, as we briefly talked about Friday. With a return on Monday. So like you, I don't think it will work, but let's catch up tomorrow on it. Thank you.

HUPP:

Alrighty, sounds good.

Message

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**From:** Greaves, Holly [greaves.holly@epa.gov]  
**Sent:** 5/31/2018 8:39:33 PM  
**To:** Lyons, Troy [lyons.troy@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]  
**Subject:** FW: Congressman Tom Cole visit

FYI.

---

**From:** Walsh, Ed  
**Sent:** Thursday, May 31, 2018 1:20 PM  
**To:** Bloom, David <[Bloom.David@epa.gov](mailto:Bloom.David@epa.gov)>  
**Subject:** FW: Congressman Tom Cole visit

Found out that Congressman Cole simply "stopped by" the Kerr lab. Here is a summary of his visit.

**From:** "Keeley, Ann" <[Keeley.Ann@epa.gov](mailto:Keeley.Ann@epa.gov)>  
**Date:** May 30, 2018 at 2:58:14 PM EDT  
**To:** "Sonich-Mullin, Cynthia" <[Sonich-Mullin.Cynthia@epa.gov](mailto:Sonich-Mullin.Cynthia@epa.gov)>  
**Subject:** Congressman Tom Cole visit

Greetings,

As per your request, below is a summary of the Congressman Tom Cole visit to RSKERC.

Regards,  
Ann

This morning at about 10:00 am Congressman Tom Cole stopped by Robert S. Kerr Environmental Research Center (RSKERC) for an impromptu visit. He was accompanied by his Field Representative, Amber Savage. During the course of about a one-hour meeting, he volunteered that he was in Ada for various meetings with several people including the Ada Mayor (Tre Landrum) and Governor Bill Anoatubby of the Chickasaw Nation. As you probably remember, he was kind enough to be present when we celebrated our 50<sup>th</sup> Anniversary in Summer of 2016.

The Congressman while in Ada decided to touch base with the GWERD-NRMRL management. The topics discussed were related to the history of the lab in groundwater cleanup efforts. He enquired about the recent cleanup efforts in Oklahoma including Eagle Industries site in Midwest City and Tar Creek Superfund site. A great deal of the discussions was related to Superfund efforts receiving high priority from the congress and RSKERC role in superfund cleanup. Some discussions were related to GWTSC and its strength in support of the remedial actions in the nation. The MOU with the Chickasaw Nation was discussed. During the meeting the congressman was pleased to announce that he was responsible for helping

EPA get a small increase in funding. The tentative visit from the ORD Leadership, which will occur on June 11<sup>th</sup> and 12<sup>th</sup>, was mentioned.

The Management team expressed their gratitude to the congressman for attending the 50<sup>th</sup> Anniversary celebration as well as continued support of the groundwater research facility through the years.

Ann Keeley, Ph.D.  
Acting Director,  
Groundwater, Watershed, and Ecosystem Restoration Division

National Risk Management Research Laboratory  
Office of Research and Development  
U.S. Environmental Protection Agency

919 Kerr Research Drive, Ada, OK 74820  
Phone: 580.436.8890  
Email: [keeley.ann@epa.gov](mailto:keeley.ann@epa.gov)

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Mike Soraghan  
**Sent:** Mon 7/2/2018 2:34:22 PM  
**Subject:** question from reporter on FOIA docs

Mr. Jackson,

Mike Soraghan here at E&E. You called me to talk about Tar Creek a couple of months ago. I'm writing to ask about a separate matter. The recent FOIA documents indicate that you were key a point of contact for lobbyists, such as those for the pork producers, highway builders and Monsanto. It also indicated you succeeded in getting things done for them. Is that the traditional role of chiefs of staff in previous administrations? Have you taken it in a different direction?

Thanks,

Mike Soraghan

E&E News reporter

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy (office and mobile)

Ex. 6 - Personal Privacy

## **E&E NEWS**

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Message

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**From:** Idsal, Anne [idsal.anne@epa.gov]  
**Sent:** 6/28/2018 6:30:14 PM  
**To:** Weekly Report Group [Weekly\_Report\_Group@epa.gov]  
**CC:** Wheeler, Andrew [wheeler.andrew@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Wagner, Kenneth [wagner.kenneth@epa.gov]; Breen, Barry [Breen.Barry@epa.gov]; Yamada, Richard (Yujiro) [yamada.richard@epa.gov]; Nishida, Jane [Nishida.Jane@epa.gov]; Chancellor, Erin [chancellor.erin@epa.gov]  
**Subject:** R6 Weekly Report

**Region 6 Weekly Update**

**6-27-18**

**Hot Topics**

# Ex. 6 - Personal Privacy

**Tar Creek Superfund Site, Ottawa County, Oklahoma**

ED\_001863D\_00013506-00001

Region 6 plans to begin providing bottled drinking water to the property owners of an abandoned smelter site located within the site. The Ottawa County Health Department reported that child who frequently visits the property has elevated concentrations of blood lead. Subsequent investigations by the Oklahoma Department of Environmental Quality (ODEQ) indicated elevated concentrations of lead in the soil. EPA and the ODEQ are meeting with the child's family this week to determine a course of action.

## **Ex. 6 - Personal Privacy**

# **Ex. 6 - Personal Privacy**

Message

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**From:** Idsal, Anne [idsal.anne@epa.gov]  
**Sent:** 6/21/2018 5:28:07 PM  
**To:** Weekly Report Group [Weekly\_Report\_Group@epa.gov]  
**CC:** Wheeler, Andrew [wheeler.andrew@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Wehrum, Bill [Wehrum.Bill@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Orme-Zavaleta, Jennifer [Orme-Zavaleta.Jennifer@epa.gov]; Yamada, Richard (Yujiro) [yamada.richard@epa.gov]; Nishida, Jane [Nishida.Jane@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Wagner, Kenneth [wagner.kenneth@epa.gov]; Gray, David [gray.david@epa.gov]; Lindley, Emily [lindley.emily@epa.gov]  
**Subject:** R6 Weekly Report

## Region 6 Weekly Update

6-21-18

### Hot Topics

# Ex. 6 - Personal Privacy

#### **Tar Creek Superfund Site,**

Elevated blood lead level (11 micrograms per deciliter) has been identified in a 1 ½ year old child living in a residence near an old smelter associated with the Tar Creek Superfund site. Some parts of the property were remediated during cleanup activities several years however, access was not provided to portions of the property where soil concentrations of lead could be high. Additionally, the resident's drinking water well has an integrity failure and influence from groundwater contaminated with lead. Region 6 and ODEQ are working with the

resident to provide an alternative source of drinking water and to permanently relocate the family under the original relocation program for Tar Creek.

## **Ex. 6 - Personal Privacy**

2017 POTENTIALLY RESPONSIBLE PARTY (PRP) COMMITMENTS  
SUPERFUND PRIVATE PARTY

REG	INITIATION DATE	NAME	Accomplishment Date
-----	-----------------	------	------------------------

**Ex. 6 - Personal Privacy**

# **Ex. 6 - Personal Privacy**

06

9/24/2008 TAR CREEK (OTTAWA COUNTY)

9/26/2017

# **Ex. 6 - Personal Privacy**

## FEDERAL FACILITIES

REG	INITIATION DATE	NAME	Accomplishment Date
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# Ex. 6 - Personal Privacy



RCRA CORRECTIVE ACTION

INITIATION			Accomplishment
REG	DATE	NAME	Date
Ex. 6 - Personal Privacy			

**NOTE:** The initiation date for Superfund responsible party commitments reported in FY 2017 for cleanup, cost recovery and the VCMA were determined based on the date that negotiations started, or the date the case was referred to DOJ, or the date a claim in bankruptcy was filed.

The initiation date for federal facility RODs, ESDs, and ROD amendments is the date when EPA received the first draft of the applicable document from the federal agency.

**Data Source:**

Superfund: SEMS

RCRA CA: ICIS

Initiation dates for federal facility sites were provided by RPMs

**Acronyms:**

Reg = Region

DOJ = US Department of Justice

ROD = Record of Decision

ESD = Explanation of Significant Differences

RCRA CA = Resource Conservation and Recovery Act Corrective Action

ICIS = Integrated Compliance Information System

SEMS = Superfund Enterprise Management System

RPM = Remedial Project Manager

Message

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**From:** Ulmer, Craig [Ulmer.Craig@epa.gov]  
**Sent:** 2/6/2018 10:24:53 PM  
**To:** Jackson, Ryan [jackson.ryan@epa.gov]  
**CC:** Elkins, Arthur [Elkins.Arthur@epa.gov]; Sheehan, Charles [Sheehan.Charles@epa.gov]; Sullivan, Patrick F. [Sullivan.Patrick@epa.gov]; Larsen, Alan [Larsen.Alan@epa.gov]; Fiore, Michael [Fiore.Michael@epa.gov]  
**Subject:** RE: Chief of Staff Request for Information  
**Attachments:** MOA Case Summary\_Redacted.pdf; OI-DA-2012-CAC-0114\_caseclosing\_redacted.pdf

Ryan,

You are correct FOIA On Line is a difficult system to deal with. The second report was on page 46 of a multipage request, I have attached the two documents to get you the information you need. Also, when you have a chance we request additional information on your needs with the local newspaper.

Craig

Craig W. Ulmer  
Deputy Assistant IG for Investigations  
Environmental Protection Agency - OIG

Desk: 202-566-0943  
Cell: Ex. 6 - Personal Privacy  
e-mail: [ulmer.craig@epa.gov](mailto:ulmer.craig@epa.gov)

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**To report threats directed against EPA employees, contractors, facilities and assets, please email [report.EPA.threats@epa.gov](mailto:report.EPA.threats@epa.gov)**

---

**From:** Jackson, Ryan  
**Sent:** Tuesday, February 06, 2018 4:31 PM  
**To:** Ulmer, Craig <Ulmer.Craig@epa.gov>  
**Cc:** Elkins, Arthur <Elkins.Arthur@epa.gov>; Sheehan, Charles <Sheehan.Charles@epa.gov>; Sullivan, Patrick F. <Sullivan.Patrick@epa.gov>; Larsen, Alan <Larsen.Alan@epa.gov>; Fiore, Michael <Fiore.Michael@epa.gov>  
**Subject:** RE: Chief of Staff Request for Information

Again, thanks.

I got the links to open. The second doesn't appear relevant. Can you double check that link?

Additionally, I am very interested and frankly need to place someone on the record with the local newspaper to answer any questions concerning the investigation. How can I accomplish that this week?

---

**From:** Ulmer, Craig  
**Sent:** Tuesday, February 6, 2018 2:56 PM

**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>

**Cc:** Elkins, Arthur <[Elkins.Arthur@epa.gov](mailto:Elkins.Arthur@epa.gov)>; Sheehan, Charles <[Sheehan.Charles@epa.gov](mailto:Sheehan.Charles@epa.gov)>; Sullivan, Patrick F. <[Sullivan.Patrick@epa.gov](mailto:Sullivan.Patrick@epa.gov)>; Larsen, Alan <[Larsen.Alan@epa.gov](mailto:Larsen.Alan@epa.gov)>; Fiore, Michael <[Fiore.Michael@epa.gov](mailto:Fiore.Michael@epa.gov)>; Ulmer, Craig <[Ulmer.Craig@epa.gov](mailto:Ulmer.Craig@epa.gov)>

**Subject:** Chief of Staff Request for Information

Ryan:

Reference is made to our previous conversations concerning this matter. The documents you have requested are both redacted and available to the public on FOIA Online. The Memorandum of Activity is at hyperlink, <https://foiaonline.regulations.gov/foia/action/public/view/record?objectId=090004d280c3ec6b> and the Case Closing Report is on page 46 of this hyperlink, <https://foiaonline.regulations.gov/foia/action/public/view/record?objectId=090004d2806a2a2c>.

Craig W. Ulmer  
Deputy Assistant IG for Investigations  
Environmental Protection Agency - OIG

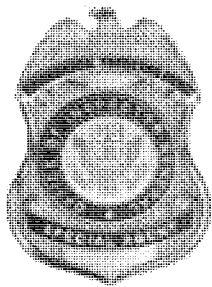
Desk: 202-566-0943

Cell: Ex. 6 - Personal Privacy

e-mail: [ulmer.craig@epa.gov](mailto:ulmer.craig@epa.gov)

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**To report threats directed against EPA employees, contractors, facilities and assets, please email [report.EPA.threats@epa.gov](mailto:report.EPA.threats@epa.gov)**



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**OFFICE OF INSPECTOR GENERAL**  
1445 ROSS AVE, ROOM 9E13  
DALLAS, TX 75202

**CASE #:** OI-DA-2012-CAC-0114

**CROSS REFERENCE #:**

**TITLE:** ARRA SF: TAR CREEK/LICRA TRUST QUI TAM

**CASE AGENT:** [REDACTED]

**MEMORANDUM OF ACTIVITY**

**NARRATIVE:**

During the period of January 7 – 23, 2013, SA [REDACTED] completed the following summary of investigative activity and findings for the purpose of assisting RON GALLEGOS, Assistant United States Attorney, Western District of Oklahoma, Oklahoma City, OK, in making a determination as to whether or not to join in the Qui Tam Lawsuit.

**BACKGROUND**

On May 15, 2012, SA [REDACTED] received Hotline Complaint 2012-139 pertaining to a Qui Tam complaint filed under seal on April 26, 2012. The complaint was filed by two complainants alleging a conspiracy to defraud the United States Government through the submission of False Claims and False Statements. In 2009, an EPA American Recovery and Reinvestment Act (ARRA) funded grant, in an amount exceeding \$15M, was awarded to the Oklahoma Department of Environmental Quality in (ODEQ). The purpose of the grant was to provide funding to the Lead Impacted Communities Relocation Assistance Trust (LICRAT or “The Trust”) to complete the home buyout and relocation project involving all residents living in the Picher, Cardin, and Hockerville, OK, areas. The project included demolition and debris removal of all homes which had been purchased. The Trust subsequently received a grant from ODEQ upon which they advertised and awarded a series of subcontracts for the work required to complete the project. The complainants allege that certain individuals conspired and worked in concert with each other to submit false claims for work which was either never completed or not allowed under the grant.

**HISTORY**

On August 31, 2004, the State of Oklahoma established the Trust for the purpose of relocating families in highly contaminated areas of the Tar Creek Superfund Site. These areas consisted primarily of the towns of Picher and Cardin, OK. In 2009, President Obama signed into law, the ARRA. Under ARRA, a grant was awarded to the ODEQ, for pass through to the Trust sighting relocation families within the “affected zone” to include demolition, debris removal, and restoration of the property to a more natural state. The “affected zone” was defined as those areas which were most likely to experience subsidence (land sinking) as a result of the

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underground mining activities which had occurred in the area. The "affected zone" was comprised primarily of the towns of Picher and Cardin, OK.

Subsequently, upon receipt of the funds, the Trust awarded a contract to TWIN BRIDGES, Alexandria, LA, [REDACTED] submitted the lowest bid based upon the concept that [REDACTED] would relocate and restore the nicer homes into an unaffected, uncontaminated area and resell them. [REDACTED] excessively underbid the contract expecting to make [REDACTED] profit on the sale of the homes. The contract included the demolition and restoration of properties in the towns of Picher, Cardin, and Hockerville. Also included in the contract was a requirement to fill an extensive subsidence area (sink hole) in Hockerville and then build a cap over the fill to return the land to a more natural state. During the period of time in which [REDACTED] held the contract, [REDACTED] failed to complete even 10 percent of the work required. Accordingly, after attempting to work with [REDACTED] for approximately 2 years, the contract with TWIN BRIDGES was terminated for default.

Following the termination of the TWIN BRIDGES contract, the Trust became aware that they needed [REDACTED] in construction, demolition, debris removal, and restoration. The members of the Trust were volunteers with no experience relevant to this project. As such, the Trust engaged the services of [REDACTED]. The Trust then issued a new RFP with [REDACTED]. Because of the experience with TWIN BRIDGES, this new RFP included certain criteria for quality control, time management, and progress. A quality control grading sheet was developed as a means to determine the responsiveness to bid requirements as well as capabilities to perform the job. The contract was subsequently awarded to [REDACTED] BACKHOE, DOZER & TRUCKING, Miami, OK, as [REDACTED] was the only entity deemed to be responsive since their bid was the only one to contain all the requirements.

After the award to [REDACTED], a competing contractor, DT SPECIALIZED SERVICE, Catoosa, OK, filed a lawsuit in district court based upon the Trust's failure to meet certain state mandates during the award process. Ultimately, the court found the Trust failed to comply with the State of Oklahoma's Open Meeting Act and as such, the award to [REDACTED] was vacated.

During the court proceedings, [REDACTED] was given the authorization to proceed with work at which time, they and their subcontractors processed approximately 37 properties. Unfortunately, during this time, the Trust became aware that [REDACTED] was unable to obtain the required performance and payment bonds. As a result [REDACTED] assigned all rights and responsibilities for performance under the contract to their subcontractor VISION CONSTRUCTION AND PROJECT MANAGEMENT, INC. (AKA: CWF ENTERPRISES), Grove, OK. After the contract was vacated by the court, the Trust had no mechanism under which VISION/CWF could be paid for the 37 properties already completed. As such, the Trust, in coordination with the Oklahoma Attorney General's Office (assigned to provide legal advice to the Trust), advised VISION/CWF to file a lawsuit. The Trust and VISION/CWF came to a settlement approved by the court and as such VISION/CWF was paid monies due for services rendered.

Following the lawsuit and contract award vacation by the court, the Trust engaged the services of Oklahoma's Department of Central Services (DCS) for award of another contract. Accordingly, DCS worked with the Trust and ODEQ to determine the scope of work and contract

requirements. In this instance, the filling of the subsidence area in Hockerville was removed from the Scope of Work because the local communities and county had agreed to fill the hole. The RFP included a Base Bid, an Alternate Bid, and an Option. The Base Bid was for the demolition, debris removal, and restoration of the property with debris being disposed of at an EPA operated repository. Further, the RFP required unit pricing for demolition square footage, asbestos removal, debris removal, and seeding be included as a basis for the Base Bid.

The Alternate was included as a contingency in the event the EPA operated repository was no longer available for disposal of debris by the Trust's contractor. The Alternate was for the additional cost which would be required to transport and dispose of debris at a licensed commercial landfill, pre-determined to be B3 CONSTRUCTION, Skammon, KS. No unit pricing was required to be supplied for the Alternate.

The Option was for the capping of the subsidence area in Hockerville. Cap specifications were included as part of the Scope of Work; however, the Option specifically excluded filling of the hole since the local governmental entities had committed to doing so. No unit pricing was required to be provided for the Option.

During the pre-bid conference, bidders were advised that unit pricing was only to be used as a basis for the Base Bid and would not be used for performance or payment purposes. Further, bidders were advised that the Alternate was for additional costs to take debris to a licensed landfill in the event the EPA repository became unavailable.

Bids were reviewed using a best value determination. This determination includes the process of reviewing performance requirements in the blind, which means that the bidder was not identified in any way on this portion of the review and scoring. Subsequently, once best value was determined, a review of proposed bid amounts was considered. Based upon these criteria, CWF ENTERPRISES was determined to be the lowest, most responsible, responsive bidder. DCS provided a recommendation of award of the contract to the Trust who agreed, by letter, with the recommendation to make the award to CWF at a Base Bid amount of \$1,701,752.97, an Alternate amount of \$1,324,032.96 and \$25,000 for the Option. However, due to an error by DCS, the contract awarded to CWF included the Base Bid value excluding the Alternate and the Option. Subsequently, upon discovery of the error, an amendment was written to include the omitted amounts.

At the time the DCS RFP was issued and bids were submitted, there was a belief that 248 properties would be available for demolition. Unfortunately, on the day of contract award, ODEQ and the Trust were notified that approximately 66 of the properties were unavailable due to restrictions imposed by the Bureau of Indian Affairs (BIA), on behalf of the Quapaw Tribe. CWF immediately requested an amendment to the contract changing the unit price for demolition/debris removal and adding a remobilization fee of \$3,000 per property. After negotiation on the issue, it was determined that CWF would experience additional costs not anticipated at the time of bid because they would not be able to operate efficiently, having to skip certain properties and then return later to complete them. Accordingly, a no cost amendment was written to increase the unit price for demolition/debris on a graduating scale based upon the length of the delay caused by the restrictions. The amendment did not include a remobilization

fee or any other related costs. Although CWF requested a contract modification to adjust the price of asbestos removal, no modifications to the original unit price were made.

The contract was awarded as a "Lump Sum" contract meaning that CWF would be paid no more and no less at contract completion than the total amount of award without cost increase/decrease by official contract modification. At the end, including the amendments, the total contract value was \$3,050,785.93. Although bidders were advised that unit pricing was only to be used for the purposes of evaluating the Base Bid, [REDACTED] use of unit prices during the billing process as a means to establish monies earned for progress payments. The unit price for the Base Bid was used exclusively for demolition/debris removal, excluding asbestos, up until the time the Trust, ODEQ, and CWF believed the EPA repository was no longer available. At that time, an additional unit cost, [REDACTED] from the Alternate bid, was added to the unit cost of the Base Bid for demolition/debris removal. No adjustment was made throughout contract performance and billing for asbestos. Further, for those properties delayed by the BIA, the unit price billed was comprised of the negotiated price included in the aforementioned amendment plus the Alternate unit price. Finally, although the RFP stated that no adjustments would be made for square footage beyond that specified in the RFP, CWF was allowed to bill for actual square footage determined at the time of demolition. This deviation occurred as the result of finding numerous errors early on during the demolition process in which the square footage was grossly overstated in the RFP. The square footage included in the RFP was derived by the entity responsible for the buyout of the property. This overstatement was likely the result of the removal of outbuildings by the original property owner between the time of buy out and the time of demolition. The change in square footage billed by CWF resulted in an overall increase of approximately 9-12 percent above the original square footage in the RFP. A total of approximately 387,000 square feet was disposed of during the life of the contract versus the total amount of 369,000 square feet billed, versus approximately 339,000 square feet included in the RFP.

During contract performance, [REDACTED] ODEQ, and the Trust became aware that the local communities who had committed to filling the Hockerville subsidence area had failed to do so. In order for the area to be capped, it would have to be filled first. Accordingly, in coordination with ODEQ, debris from certain properties was deemed to be disposed of at Hockerville. During the early portion of contract performance, only the unit price for demolition/debris removal included in the Base Bid was used for debris taken to Hockerville. After the repository was believed to be unavailable, the Alternate was added to the Base Bid unit price for billing/progress payment purposes. Only a small number of properties was taken to Hockerville prior to the belief that the repository was closed. The majority of the disposal at Hockerville occurred subsequent to the repository closing. The remainder of the debris was taken to Skammon, KS, for disposal, with one exception.

During the debris removal and disposal at the EPA repository, additional costs were incurred by CWF. At the time of the bid conference, bidders were advised that all debris would be accepted at the EPA Repository, except items such as white goods (refrigerators, washer, dryer, freezer, etc.) and large items such as automobiles and components. During contract performance, CWF was advised by EPA that additional items would not be accepted. This change by EPA resulted in a new requirement that CWF sort the debris according to EPA specifications. The sorting was



not a cost factor included in the original bid, and therefore, CWF was allowed to include a billed amount for this effort.

In February and March of 2011, EPA and or their contractor began to notify the Trust, [REDACTED] and ODEQ that there needed to be more disposal activity at the repository. As a result of the restricted properties, demolition debris being disposed of at the repository was slowing down. EPA was paying for a compactor and for personnel to support the disposal out of their budget for cleanup operations at the site related to Operable Unit 4 (OU4). With limited disposal activity, EPA felt they were not spending money wisely by continuing to support the Trust. As such, EPA informed the Trust that they may need to consider alternatives for disposal. EPA and their contractor advised they would be turning in the compactor if there was no resolution on the restricted lands by March 25, 2011. Further, the repository was scheduled to be closed for unrelated reasons during a short period of time. Since the restricted properties issue was not resolved prior to the deadline, the Trust, ODEQ, and [REDACTED] had a reasonable belief that the repository was no longer available for their use. As such, CWF began using the Alternate which was a contingency in the event the repository closed. This altered the progress payment billings wherein the Alternate unit price was added to the Base Bid unit price for all properties processed after March 25, 2011. Further, once the BIA properties became available, they were billed using the Alternate unit cost plus the higher negotiated rate for the delay. The exception to this involves a handful of properties processed at the end of the project which were not included in the RFP and were not delayed by the BIA. These properties were billed based upon the Alternate unit price plus the Base Bid unit price.

The scope of work prohibited the selling of any demolition debris for scrap. The exception to this involved a particularly large and complicated property known as the Landis Building. A significant quantity of metal which could be sold for scrap was included as part of the structure. Prior to selling the metal for scrap, a dispute ensued where in the Quapaw Tribe asserted the building belonged to them and that they should receive any proceeds from the scrap. Following negotiation between EPA and BIA on behalf of the Tribe, an agreement was reached wherein the scrap was transported by CWF to a location determined by the Tribe, and all proceeds from the sale of the scrap were paid to the Tribe. The remainder of the debris was to be processed in accordance with contractual specifications. Unfortunately, prior to transport of the debris to the landfill, a tornado touched down in the area scattering the debris which had been stockpiled awaiting disposal. CWF was authorized to bill for 90% of the square footage determined for the building.

Additionally, the scope of work included seeding once all demolition debris was removed. During the project, a decision was made that funds could be better used for additional demolition rather than seeding. The seeding was intended to prevent soil migration (AKA: erosion); however, the chances for such erosion was deemed to be low because most of the properties contained vegetation in the form of native grasses and weeds. Accordingly, after coordination between [REDACTED] DCS, the Trust, and ODEQ, a decision was made to discontinue the seeding effort. Subsequently, [REDACTED] CWF to stop seeding.

Without regard to the foregoing information, it should be noted that this was a lump sum contract. Legally, under the terms of a lump sum contract, at the time of contract completion, CWF would be and was paid a total of \$3,050,785.93, which, after all amendments, was the total

contract value. The amounts billed as progress payments and the way those amounts were derived are irrelevant to the total contract value. As such, any adjustments in billing of unit costs and added fees such as the EPA sorting requirements resulted in no indications of fraud or false claims in any way since the total work to be completed was done so successfully. The only way any of these changes could have resulted in any type of fraud would have been in the event of a default by CWF and a failure to successfully finish the project.

## **GENERAL ALLEGATIONS**

### **Allegation 1:**

[REDACTED], hired [REDACTED] to act as [REDACTED]. [REDACTED] began working for the Trust on approximately [REDACTED] 2010, and was being paid approximately 10% of the project contract price. Subsequently, the Trust entered into a contract with [REDACTED] on [REDACTED] 2010, for one year with a total payment in the amount of \$305,472.00. This amount far exceeded 10 percent of the contract price at that time which was \$1,701,752.97.

### **Allegation 1 Findings:**

Interviews and document reviews disclosed [REDACTED] was initially paid a 10 percent fee based upon a similar contract [REDACTED]. The fee was changed in September 2010 based upon a complaint from State Senator CHARLIE WYRICK that 10 percent was too high. Accordingly, the Trust made a decision to pay [REDACTED] an hourly rate plus expenses, excluding travel. The September 2010 contract was issued for a "maximum" value of \$305,472 which was derived from an estimate provided by [REDACTED]. In the end, [REDACTED] was paid less than the maximum amount.

### **Allegation 2:**

On March 24, 2010, the Trust executed a contract with [REDACTED] BACKHOE, DOZER, & TRUCKING (SBDT) despite the fact they were not the lowest bidder. Complainants alleged [REDACTED] engaged in a conspiracy to award the contract to SBDT by changing the quality control requirements making them more subjective. The RFP stated, "If a contractors' quality control plan, progress schedule, and time control methods are found to be unacceptable by the Trust, the bid will not be considered to be responsive."

### **Allegation 2 Findings:**

Interviews and document reviews disclosed that the RFP in question was issued by the Trust with [REDACTED] on February 24, 2010. Quality Control criteria were included in the RFP based upon [REDACTED] historical experience in construction/demolition work, as well as issues experienced with the TWIN BRIDGES contract. The bids and quality control score sheets were reviewed with the assistance of a technical engineer at EPA who has never had any dealings with the Tar Creek Superfund Site or the parties in question. The review

determined that the scores given to the bidders were reasonable and that in fact, SBDT was the only contractor to meet all criteria specified in the RFP and was therefore, the only responsive bidder despite the cost factor. Since the RFP provided specific criteria to be met, the same requirements were available to all bidders and as such, SBDT had no advantage over any of the other bidders. It is the responsibility of the bidder to ensure that all requirements contained within the RFP are met in their bid proposal.

### **Allegation 3:**

After the contract award to SBDT was vacated, CWF (AKA: VISION CONSTRUCTION AND PROJECT MANAGEMENT) was instructed by the trust to file a lawsuit to receive payment for services rendered. Complainants allege that no services were performed by VISION.

### **Allegation 3 Findings:**

Interviews and document reviews disclosed that 37 properties were processed during the time SBDT held the contract, prior to the court vacating the award. Further, when SBDT assigned all rights and responsibilities to CWF, CWF was entitled to receive payment for the work performed on those 37 properties. After the contract was vacated, there was no legal mechanism for CWF to file a claim for that work. The only alternative was to file a lawsuit in order to receive payment due.

### **Allegation 4:**

██████████ conspired to award the DCS contract to CWF by scoring the technical evaluation highest for CWF thereby skewing the averages.

### **Allegation 4 Findings:**

Interviews and document reviews disclosed the DCS contract award was based upon a “best value” award process which was identified in the RFP. Documentation submitted by prospective bidders was reviewed by a committee without knowledge of who the bidder was. This process resulted in a selection of three “best value” bidders. After the “best value” bidders were selected, the only consideration was on total price, an element not included in the “best value” analysis. In this instance, the lowest bidder was CWF. Further, no evidence could be located which would indicate any of the parties involved in this bid and award process were engaged in a conspiracy to affect the outcome of the process.

### **Allegation 5:**

██████████ conspired to steer the contract award to CWF by providing them a written recommendation.

### **Allegation 5 Findings:**

DCS requires bidders provide Survey Questionnaires to entities which previously engaged their services. In this case CWF provided three completed Questionnaires, one of which was from [REDACTED]. A review of the questionnaires disclosed that of the three parties completing the document, CWF [REDACTED]. Further, although the Questionnaires were inadvertently included in the "best value" blind review, which could indicate to [REDACTED] which bidder was CWF, a committee of four scored each of the four bidders independently. The scores were then consolidated and analyzed based upon weighted averages. Even with [REDACTED] scores included, CWF was not the highest scoring bidder. Removing [REDACTED] scores from the analysis had no impact on the outcome for the three of four bidders selected for further consideration. After selecting the three bidders, lowest bid wins the award, which was CWF. Again, no evidence was found which would indicate a conspiracy among the review committee or between any party and CWF.

### **Allegation 6:**

[REDACTED] conspired to pay additional funds to CWF through amendments and changes to the contract, specifically the increase in unit price of square footage based upon the restricted access to certain properties.

### **Allegation 6 Findings:**

Interviews and document reviews disclosed the unit price of square footage was increased based upon additional costs incurred by the contractor as a result of not being able to efficiently demolish properties in a given area and having to return to that area to demolish a previously restricted property. Despite the increase in unit price, there was no cost increase to the contract. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

## **SPECIFIC ALLEGATIONS:**

### **Allegation 7:**

CWF submitted false claims for mobilization and bonds/insurance as part of Application and Certification for Payment No. 1 dated February 11, 2011.

### **Allegation 7 Findings:**

Mobilization fees are a standard cost included in all construction type contracts across the industry. Additionally, reimbursement for bond/insurance fees is also standard across industry. Both are considered allowable costs in accordance with all DCS and federal rules and regulations. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

#### **Allegation 8:**

CWF submitted false claims for property billings on all Applications and Certifications for payment because they billed for square footage derived during the creation of the AutoCAD drawings on a given property versus the square footage included in the RFP as required by the scope of work. The scope of work specifically stated there would be no adjustment for square footage per property.

#### **Allegation 8 Findings:**

Interviews and document reviews disclosed the square footage billed was based upon the AutoCAD drawings in agreement between CWF, [REDACTED] the Trust, ODEQ, and DCS because the square footage in the RFP was found in many cases to be grossly inaccurate. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

#### **Allegation 9:**

CWF submitted false claims for asbestos removal on three specific properties included in Payment Application and Certification No. 3, dated April 14, 2011, even though these properties had been burned down and no asbestos removal was performed.

#### **Allegation 9 Findings:**

Interviews and document reviews disclosed that two of the three properties had been hit by a tornado rendering them unsafe for entry. The third property was burned mid-way through demolition. Despite these factors, asbestos still remained and had to be removed. Although it was not removed by an abatement contract, the work was overseen by the asbestos abatement contractor and the asbestos was removed in accordance with prescribed procedures. Accordingly, CWF was entitled to payment for services rendered. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

#### **Allegation 10:**

CWF submitted a false statement by certifying on Payment Application and Certification No. 3, dated April 14, 2011, that all work had been completed on the listed properties when in fact no seeding was performed on several properties as required by the scope of work.

#### **Allegation 10 Findings:**

Interviews and document reviews disclosed that a decision was made among [REDACTED] DCS, the Trust, and CWF to discontinue seeding once the scheduled seeding amount was exceeded. Therefore, once that decision was made, there would be no false statements with regard to work completed on the properties. Further, this was a lump sum contract and CWF

was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

#### **Allegation 11:**

CWF submitted false claims for land fill fees that were not incurred for disposal of debris taken to the Hockerville subsidence area and for land fill fees charged on demolition debris which was taken to Skammon, KS, but could have been taken to the Hockerville subsidence area.

#### **Allegation 11 Findings:**

Interviews and document reviews disclosed that upon reasonable belief that the EPA repository was no longer available for demolition debris from this project CWF began billing the Alternate unit price plus the Base Bid unit price or the higher negotiated unit price resulting from the delayed access to BIA properties for all properties completed after March 25, 2011. Although no landfill fees were directly incurred for debris placed in the Hockerville subsidence area, CWF incurred additional costs in transportation along with equipment rental and personnel to operate said equipment to compact and level the debris deposited. In agreement with the Trust, [REDACTED] DCS, and ODEQ, CWF billed the Alternate unit price in addition to the Base Bid unit price in order to compensate them for the additional costs which were not part of the original RFP or bid package. Additionally, [REDACTED] [REDACTED] with ODEQ for approval to take certain properties to Hockerville. ODEQ advised that "all" the debris could be taken there referring to those specifically identified properties. The complainants allege that ODEQ was authorizing all debris remaining on the site to be taken to Hockerville. Even if this had been the case, that quantity of debris would not have fit into the subsidence area, therefore requiring some debris to be taken to Skammon, KS. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

#### **Allegation 12:**

CWF submitted false claims associated with work completed under Option A for capping the Hockerville subsidence area. Complainants allege that the cap was not completed in accordance with contract specifications.

#### **Allegation 12 Findings:**

Interviews and document reviews disclosed CWF's failure to complete the cap in accordance with contract specifications is wholly the opinion of the complainants and not based upon scientifically sound data supporting the assertion. The Trust, [REDACTED] DCS, and ODEQ assert the work was performed as required. No evidence was discovered to support the assertion that defective work was completed and billed for. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments, which included the amount of \$25,000 for Option A.

### **Allegation 13:**

CWF submitted false claims for demolition and debris removal for the property known as the “Mickey Mantle Marriage House” which was never demolished and still stands today.

### **Allegation 13 Findings:**

Interviews and document reviews disclosed that although the Mickey Mantle Marriage House still stands today, it does not stand in its original location. Once moved from its original location, items still remained at the original property which needed to be demolished, debris removed and disposed of. Therefore, CWF was entitled to payment for services rendered. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

### **Allegation 14:**

CWF submitted false claims for general debris removal in excess of the quantity of debris included in the RFP for general debris removal.

### **Allegation 14 Findings:**

Interviews and document reviews disclosed the category of General Debris Removal was included as a catchall for debris not specifically related to a particular property including debris scattered by the tornado. The amount included in the RFP was strictly an estimate as it was impossible to accurately determine the quantity of miscellaneous debris throughout the affected zone including debris scattered by the tornado. Accordingly, CWF was allowed to bill for the actual amount of debris collected. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

### **Allegation 15:**

CWF submitted false claims for transportation of salvage which was not an amount allowed in the RFP.

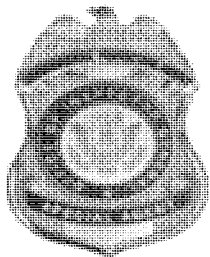
### **Allegation 15 Findings:**

Interviews and document reviews disclosed that transportation costs for debris taken to salvage was billed for scrap taken to the BIA specified salvage yard in accordance with the negotiated agreement between the BIA and EPA. CWF was allowed to bill for the transportation cost because it was an unforeseen aspect to the job at the time of contract award. Despite being allowed to bill for this cost, there was no increase to the overall contract value. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

**CONCLUSION:**

This investigation revealed no evidence to support any allegations by the complainants.





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL**

1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202

**DATE:** MARCH 6, 2013

**PREPARED BY:** SA [REDACTED]

**CASE #:** OI-DA-2012-CAC-0114

**CROSS REFERENCE #:**

**TITLE:** ARRA SF: [REDACTED] QUI TAM

**CASE CLOSING REPORT**

Subject(s)	Location	Other Data
[REDACTED]	OTTOWA COUNTY, OK	N/A
[REDACTED]	OTTOWA COUNTY, OK	N/A
[REDACTED]	OTTOWA COUNTY, OK	N/A
[REDACTED]	OTTOWA COUNTY, OK	N/A
[REDACTED]	OTTOWA COUNTY, OK	N/A
Enterprises, Inc.	OTTOWA COUNTY, OK	N/A
[REDACTED]	OTTOWA COUNTY, OK	N/A
Engineering Service, LLC	OTTOWA COUNTY, OK	N/A
Construction and Project Management	OTTOWA COUNTY, OK	N/A

**ALLEGATION:** On May 15, 2012, the Reporting Agent (RA) initiated this investigation based upon a Qui Tam complaint filed in the United States District Court for the Western District of Oklahoma. [REDACTED]

[REDACTED] engaged in a scheme to submit false claims for payments made from ARRA Grant Funds awarded to the Oklahoma Department of Environmental Quality.

**FINDINGS:** Extensive record reviews and interviews were conducted which did not disclose evidence to support the allegations. Investigative activity was concluded on January 23, 2013 and a Memorandum of Activity summarizing the findings was prepared and provided to the United States Attorney's Office.

**DISPOSITION:** Based upon the investigative findings, a decision was made by the United States Attorney's Office to decline intervention.. Therefore, it is recommended this investigation be closed.

**From:** Alan Mauk [Ex: 6 - Personal Privacy]@aol.com]  
**Sent:** 12/12/2017 8:29:35 PM  
**To:** Jackson, Ryan [jackson.ryan@epa.gov]  
**Subject:** Tar Creek

Hey, just wanted to check in and say Hi. John wanted me to share this with you. He is working on a response to recent articles on Tar Creek. This is a draft of his response done by Tim Kent. You guys are doing a great job. Will keep you posted on this and anything that might help.

John,

Following is my first stab at providing you with bullet points regarding the recent Politico article that we discussed. Please cut, paste, amend as you need. Hopefully I captured most of the issues I could see with the article; but let me know if you need me to address other issues:

- The article indicated that Senator Inhofe bears significant blame for the complicated and intractable nature of the cleanup of the Tar Creek SF site. The complications at the Tar Creek site existed long before the tenure of Senator Inhofe. When mining companies discovered lead and zinc ore on the Quapaw Reservation in the early 1900s, they were required to acquire mineral leases through the BIA. Many Quapaw tribal members refused to lease their land to the mining companies. BIA responded by declaring those tribal members "incompetent" and signed the mining leases on their behalf. When EPA declared the mining area (known as the Picher Field) a National Priority List Superfund site in 1983, they (EPA) considered the BIA, along with the mining companies, a "Responsible Party" because of BIA's participation in leasing the land for mining and its management of mining practices on Indian leases. For most of the 30 plus years since being declared a Responsible Party By EPA, and therefore liable for the cleanup, BIA has refused to accept responsibility for the cleanup or provide any cleanup funds. In fact, because of their fear of past and future liability, the BIA fought every effort by EPA to cleanup mine waste on tribal lands. This is the primary reason that cleanup of Tar Creek has languished for over most of the last 35 years. In reality, Senator Inhofe and his staff, including his chief of staff Ryan Jackson, should get significant credit for ending the deadlock between EPA and BIA (a bureau under the Department of Interior), thereby allowing the start of the cleanup of the mountains of heavy metal laden mine waste that dominate the landscape on the Quapaw Reservation. In the early 2000s, Senator Inhofe, using his influence as Chairman of Environment and Public Works Committee in the Senate, and working with Quapaw Tribal leaders, brought upper management of EPA and the DOI together by facilitating an agreement, and sponsoring legislation, that would ease DOI's fear of liability and allow EPA to finally begin cleanup of mine waste on tribal lands. Since then there has been more mine waste cleaned up at Tar Creek than in the previous 30 years combined.
- More than once in the article the author states that the Quapaw Tribe has been "contracted" to perform cleanup at Tar Creek. This represents a fundamental misunderstanding of the facts. Under Superfund law, Tribes have the same status as States where superfund sites are concerned. The EPA cleanup funds that the Quapaw Tribe Environmental Office receive to cleanup mine waste on tribal lands are through an Inter-Agency Cooperative Agreement. This is identical to EPA funding granted to State agencies that participate in Superfund cleanups. This method of cleanup funding has significant advantages over "contracting" out Superfund cleanup work. By funding a Tribe or State agency to perform the work themselves, it allows work to be performed by local entities that know the communities in which they work, not to mention the lower costs that result from avoiding the usual markups of multilayered contractors. Also, when out-of-state contractors or a federal agency performs the work, it many times creates mistrust and resentments due to the lack of familiarity with local landowners and stakeholders. This local control and funding of the cleanups at Superfund sites is consistent with Administrator Pruitt's change in the focus of the Superfund program nationwide. It should be noted that Tar Creek is first Superfund site in the nation where a Tribe has been given the lead in the cleanup by EPA. The Quapaw Tribe has scientists and engineers on staff to provide technical oversight and the Tribe has a construction division with heavy equipment and numerous tribal employees with construction/earth moving experience. This was a result of Tribal leaders, EPA, and Senator Inhofe and his staff working together for over a decade to ensure that the Tribe had the capacity and ability to perform this work. It is reasonable to expect that the Tribe, the most adversely effected stakeholder at Tar Creek, should benefit

from the cleanup of its own lands. Accordingly, the Quapaw Tribe has cleaned up more waste and returned more acres to productive use since 2013, than was cleaned up in the previous 30 years at Tar Creek.

- The article states: “As EPA administrator, he (Scott Pruitt) has assumed full responsibility for the still-faltering cleanup”. As discussed above, the cleanup is far from “faltering”. In fact, the State of Oklahoma, seeing how the Tribe has achieved unprecedented progress in the cleanup at Tar Creek, has entered into its own inter-agency agreement with the Quapaw Tribe to perform cleanup on non-Tribal land. This State/Tribe agreement is another nationwide first at a Superfund site. Not surprisingly, after Administrator Pruitt sent his senior staff to visit Tar Creek this past summer and report back to him, they reported that due to the Tribe’s more than adequate capacity to adequately perform the work at a lower cost, and due to the Tribe’s longstanding relationships with landowners and the local communities, the current remediation work at Tar Creek should be a model for bringing new approaches to large legacy Superfund sites. Administrator Pruitt is just continuing a process that is working at Tar Creek and that should be implemented at more Superfund sites.
- Most of the article derides the Lead Impacted Communities Relocation Assistance Trust (LICRAT) for their alleged mismanagement of the relocation of residents of the Tar Creek area. Although I am not familiar with all of the inner workings of the LICRAT, nor the nature and validity of all of the grievances of the relocated residents, I do know that all of the residents have been removed from the hazards of the inevitable mine cave-ins that occur at the site on a regular basis. The Quapaw Tribe is also grateful to the volunteers on the LICRAT that donated their free time and effort to try to do the right thing for the residents. Members of the LICRAT have also endeavored to see that The Tribe ultimately receives the land that was purchased so that the Tribe can ensure that the land is remediated and eventually converted into some form that can be safely used as a part of the Tribe’s reservation. It should also be noted that many residents living in the Tar Creek area communities were living on Quapaw Tribal land, and in many cases, did not know it because the BIA had not been collecting rent for decades as they were required to. This resulted in some of the residents’ resentment related to the LICRAT buy-out (LICRAT could not offer full appraisal price to residents who may have owned the house but did not own the land).

After decades of exploitation, environmental devastation, mismanagement of natural resources, and broken promises, the Quapaw Tribe, with the help of Senator Inhofe, EPA, and the State of Oklahoma, has taken a leadership role at the Tar Creek site. With all due respect to the former residents of the Tar Creek area and Politico, the real story at Tar Creek is the people of a Tribe that were promised this land as a place to be Quapaw and how they are taking it back one truck full of mine waste at a time.

*John, the last bullet point was a bit weak because I’m really not familiar with what went on with LICRAT and some of the reported problems they had. You might ask Tamara what her take is on the accusations since she was briefly on LICRAT...Anyway, this is my stab at input into your op-ed piece. Feel free to use any or none of it or to cut, paste, and reword as you see fit. Let me know if you want me to add more detail*

Message

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**From:** Sullivan, Patrick F. [Sullivan.Patrick@epa.gov]  
**Sent:** 2/5/2018 10:45:47 PM  
**To:** Jackson, Ryan [jackson.ryan@epa.gov]  
**CC:** Ulmer, Craig [Ulmer.Craig@epa.gov]; Elkins, Arthur [Elkins.Arthur@epa.gov]; Sheehan, Charles [Sheehan.Charles@epa.gov]; Larsen, Alan [Larsen.Alan@epa.gov]; Hanger, Eric [Hanger.Eric@epa.gov]  
**Subject:** Tar Creek Matter

**Importance:** High

Ryan,

I am working with Art Elkins, Al Larsen (OIG Counsel) and others here at the OIG to address your requests. We are reaching out to the U.S. Attorney's Office (USAO), Western District of Oklahoma, to confirm that the USAO has no objection to releasing the Qui Tam information.

As for other OIG work at the Tar Creek site, it looks like there were no audits or evaluations done. However, we will not be able to confirm this until tomorrow.

I am on sick leave all day tomorrow, and on Wednesday morning. I will be back in the office on Wednesday afternoon.

Craig Ulmer will follow up with you while I am on sick leave. Craig can be reached on his cell phone Ex. 6 - Personal Privacy or his desk (202) 566-0943.

More to follow.....

*Patrick F. Sullivan*

Assistant Inspector General for Investigations

EPA Office of Inspector General

Desk: (202) 566-0308

Cell: Ex. 6 - Personal Privacy

FAX: (202) 566-0814

Email: [sullivan.patrick@epa.gov](mailto:sullivan.patrick@epa.gov)

**To report fraud, waste or abuse impacting EPA, please contact the EPA OIG Hotline via telephone numbers 202-566-2476 or 888-546-8740, fax 202-566-2599, or email at [oig\\_hotline@epa.gov](mailto:oig_hotline@epa.gov)**

**To report threats directed against EPA employees, contractors, facilities and assets, please email [report.EPA.threats@epa.gov](mailto:report.EPA.threats@epa.gov)**

Message

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**From:** Bloom, David [Bloom.David@epa.gov]  
**Sent:** 1/20/2018 12:12:59 AM  
**To:** Jackson, Ryan [jackson.ryan@epa.gov]  
**Subject:** Travel Request #10:Region 6 Travel Approval Request  
**Attachments:** Region 6 Travel Authorization Approval Request.pdf; ATT00001.htm

Ryan,  
Still double checking but here is a new one. David  
Sent from my iPhone

Begin forwarded message:

**From:** "Gray, David" <[gray.david@epa.gov](mailto:gray.david@epa.gov)>  
**Date:** January 19, 2018 at 7:11:15 PM EST  
**To:** "Bloom, David" <[Bloom.David@epa.gov](mailto:Bloom.David@epa.gov)>  
**Cc:** "McDonald, James" <[McDonald.James@epa.gov](mailto:McDonald.James@epa.gov)>  
**Subject:** Region 6 Travel Approval Request

David,  
Attached is a list of about 30 important trips we would like to keep on track for next week. We have informed the remaining travelers to postpone their plans immediately. All staff would return by Friday, January 26. Thank you for your consideration.  
David

Region 6 Travel Approval Request  
January 19-January 26, 2018

Traveler	Begin Date	End Date	Destination	Travel Description
<b>Ex. 5 - Deliberative Process</b>				

# Ex. 5 - Deliberative Process

LUCKETT SNYDER, CASEY

1/24/2018

1/25/2018

MIAMI, OK

Tar Creek Superfund Site Reuse Meeting

Message

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**From:** Nishida, Jane [Nishida.Jane@epa.gov]  
**Sent:** 8/1/2017 5:33:14 AM  
**To:** Jackson, Ryan [jackson.ryan@epa.gov]  
**Subject:** Re:

Yes, I will be attending the Tribal Lands and Environment Forum in Tulsa. Sarah and Patrick Davis will also be attending. On August 14, we will be visiting the Tar Creek Superfund site and having dinner with tribal leaders.

Sent from my iPhone

> On Aug 1, 2017, at 1:51 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:  
>  
> Jane are you attending the tribal conference in Oklahoma in mid August?  
>  
> \_\_\_\_\_  
> Ryan Jackson  
> Chief of Staff  
> U.S. EPA  
> Ex. 6 - Personal Privacy



Message

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**From:** Davis, Patrick [davis.patrick@epa.gov]  
**Sent:** 7/29/2017 2:41:38 PM  
**To:** Jackson, Ryan [jackson.ryan@epa.gov]  
**CC:** Wagner, Kenneth [wagner.kenneth@epa.gov]  
**Subject:** Re: August travel companions

Hi Ryan and Ken,

As I recall we decided that I would go to this Oklahoma tribal lands superfund convention (over 400 attendees) because the Administrator was not available and Kell was scheduled to travel with Ken in Alaska.

I would welcome the opportunity to travel with you, Ryan and particularly in Oklahoma.

Let me know how you want me to proceed. OLEM comms and Jane Nashita's shop is preparing opening remarks for me. If you want to give the opening remarks I will adjust accordingly. The convention includes a tar creek site tour on Monday.

Patrick Davis  
Environmental Protection Agency  
Deputy Associate Director, Office of Land and Emergency Management  
202-564-3103 office  

Ex. 6 - Personal Privacy

 cell

Emails sent to this address may be subject to FOIA.

Sent from my iPhone

On Jul 29, 2017, at 6:45 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

I may be in Oklahoma August 9-11. Given the Oklahoma connection I'd like for Ken or me to attend that.

---

Ryan Jackson  
Chief of Staff  
U.S. EPA  

Ex. 6 - Personal Privacy

On Jul 27, 2017, at 6:42 PM, Davis, Patrick <davis.patrick@epa.gov> wrote:

Hi Ryan,

My travel for August:

July 31-August 4 – Colorado: Touring Superfund Lowry landfill on August 1 and with Pruitt on August 3 and 4.  
August 9-11 – Tulsa speaking and attending tribal lands and environment forum  
August 13-17 - Santa Fe with Department of Energy and EPA Federal Facilities meetings.  
August 21-23 – Brownfields ground breaking event in Kalispel, MT.

Patrick Davis

Environmental Protection Agency  
Deputy Assistant Administrator, Office of Land and Emergency Management  
202-564-3103 office

Ex. 6 - Personal Privacy cell

Information sent to this email address may be subject to FOIA.

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**From:** Jackson, Ryan  
**Sent:** Thursday, July 27, 2017 11:08 AM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>;  
Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>; Brown, Byron <[brown.byron@epa.gov](mailto:brown.byron@epa.gov)>;  
Fotouhi, David <[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)>; Kelly, Albert <[kelly.albert@epa.gov](mailto:kelly.albert@epa.gov)>;  
Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Dravis, Samantha  
<[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Lyons, Troy <[lyons.troy@epa.gov](mailto:lyons.troy@epa.gov)>; Davis, Patrick  
<[davis.patrick@epa.gov](mailto:davis.patrick@epa.gov)>  
**Subject:** August travel companions

Please let me know what your plans are or personnel in your office plans for August travel. It's a lot of travel with no one person has to cover.

My impression is that

Tate, Sarah, Lincoln, and Amy are with Pruitt August 2-3  
Patrick, Kell, David or Byron, and I are with Pruitt August 3-4  
Tate, Jahan, Lincoln, and Sarah(?) are with Pruitt August 8-9  
Sarah and I are with Pruitt August 21-23  
Aaron(?) and Kell(?) with Pruitt August 22  
Staff for August 24?  
Staff on August 29?

Ryan Jackson  
Chief of Staff  
U.S. Environmental Protection Agency  
Ex. 6 - Personal Privacy

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Mike Soraghan  
**Sent:** Mon 7/2/2018 2:54:24 PM  
**Subject:** RE: question from reporter on FOIA docs

You're welcome. Thank you for getting back to me.

Mike Soraghan

E&E News reporter

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy (office and mobile)

Ex. 6 - Personal Privacy

## E&E NEWS

122 C Street NW 7th Floor Washington, DC 20001

[www.eenews.net](http://www.eenews.net) | [@EENewsUpdates](https://twitter.com/EENewsUpdates)

Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

**From:** Jackson, Ryan [mailto:jackson.ryan@epa.gov]  
**Sent:** Monday, July 02, 2018 10:51 AM  
**To:** Mike Soraghan <Ex. 6 - Personal Privacy>  
**Subject:** RE: question from reporter on FOIA docs

I don't think it is a different direction. A chief of staff has specific responsibilities, but broader responsibilities to ensure a variety of things get completed, addressed, and worked out. Thank you for the acknowledgement of succeeding in getting some things accomplished though. I try to do that.

**From:** Mike Soraghan [mailto:Ex. 6 - Personal Privacy]  
**Sent:** Monday, July 2, 2018 10:34 AM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** question from reporter on FOIA docs

Mr. Jackson,

Mike Soraghan here at E&E. You called me to talk about Tar Creek a couple of months ago. I'm writing to ask about a separate matter. The recent FOIA documents indicate that you were key a point of contact for lobbyists, such as those for the pork producers, highway builders and Monsanto. It also indicated you succeeded in getting things done for them. Is that the traditional role of chiefs of staff in previous administrations? Have you taken it in a different direction?

Thanks,

Mike Soraghan

E&E News reporter

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy (office and mobile)

Ex. 6 - Personal Privacy

**E&E NEWS**

122 C Street NW 7th Floor Washington, DC 20001

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

Message

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**From:** Justin Wingerter [Ex. 6 - Personal Privacy]@oklahoman.com]  
**Sent:** 2/13/2018 1:51:00 PM  
**To:** Jackson, Ryan [jackson.ryan@epa.gov]  
**Subject:** RE: EPA Inspector General investigation 2013-14

Hey, Ryan

Thanks for passing that along. I'll take a look and see where it fits in our future coverage of Tar Creek.

All the best,

Justin Wingerter  
Federal government reporter  
*The Oklahoman*

Ex. 6 - Personal Privacy

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**From:** Jackson, Ryan [mailto:jackson.ryan@epa.gov]  
**Sent:** Monday, February 12, 2018 7:14 PM  
**To:** Justin Wingerter [Ex. 6 - Personal Privacy]@oklahoman.com>  
**Subject:** EPA Inspector General investigation 2013-14

Justin, I have attached an investigation of the Lead Impacted Communities Relocation Assistance Trust. The EPA Inspector General redacted it for names and made it public in April 2016. I think this will better inform your stories. I hope it is something you are interested in reporting.

Ryan Jackson  
Chief of Staff  
U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

\*\*\*\*\*

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\*\*\*\*\*

**To:** Mike Soraghan [Ex. 6 - Personal Privacy]  
**From:** Jackson, Ryan  
**Sent:** Mon 7/2/2018 2:50:55 PM  
**Subject:** RE: question from reporter on FOIA docs

I don't think it is a different direction. A chief of staff has specific responsibilities, but broader responsibilities to ensure a variety of things get completed, addressed, and worked out. Thank you for the acknowledgement of succeeding in getting some things accomplished though. I try to do that.

**From:** Mike Soraghan [mailto:[Ex. 6 - Personal Privacy]]  
**Sent:** Monday, July 2, 2018 10:34 AM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** question from reporter on FOIA docs

Mr. Jackson,

Mike Soraghan here at E&E. You called me to talk about Tar Creek a couple of months ago. I'm writing to ask about a separate matter. The recent FOIA documents indicate that you were key a point of contact for lobbyists, such as those for the pork producers, highway builders and Monsanto. It also indicated you succeeded in getting things done for them. Is that the traditional role of chiefs of staff in previous administrations? Have you taken it in a different direction?

Thanks,

Mike Soraghan

E&E News reporter

[Ex. 6 - Personal Privacy]

[Ex. 6 - Personal Privacy] (office and mobile)

[Ex. 6 - Personal Privacy]

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM



Message

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**From:** Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]  
**Sent:** 5/31/2018 9:29:37 PM  
**To:** Greaves, Holly [greaves.holly@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]  
**Subject:** RE: Congressman Tom Cole visit

Thank you. He's a great Member and person.

---

**From:** Greaves, Holly  
**Sent:** Thursday, May 31, 2018 4:40 PM  
**To:** Lyons, Troy <lyons.troy@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** FW: Congressman Tom Cole visit

FYI.

---

**From:** Walsh, Ed  
**Sent:** Thursday, May 31, 2018 1:20 PM  
**To:** Bloom, David <[Bloom.David@epa.gov](mailto:Bloom.David@epa.gov)>  
**Subject:** FW: Congressman Tom Cole visit

Found out that Congressman Cole simply "stopped by" the Kerr lab. Here is a summary of his visit.

**From:** "Keeley, Ann" <[Keeley.Ann@epa.gov](mailto:Keeley.Ann@epa.gov)>  
**Date:** May 30, 2018 at 2:58:14 PM EDT  
**To:** "Sonich-Mullin, Cynthia" <[Sonich-Mullin.Cynthia@epa.gov](mailto:Sonich-Mullin.Cynthia@epa.gov)>  
**Subject:** Congressman Tom Cole visit

Greetings,

As per your request, below is a summary of the Congressman Tom Cole visit to RSKERC.

Regards,  
Ann

This morning at about 10:00 am Congressman Tom Cole stopped by Robert S. Kerr Environmental Research Center (RSKERC) for an impromptu visit. He was accompanied by his Field Representative, Amber Savage. During the course of about a one-hour meeting, he volunteered that he was in Ada for various meetings with several people including the Ada Mayor (Tre Landrum) and Governor Bill Anoatubby of the Chickasaw Nation. As you probably remember, he was kind enough to be present when we celebrated our 50<sup>th</sup> Anniversary in Summer of 2016.

The Congressman while in Ada decided to touch base with the GWERD-NRMRL management. The topics discussed were related to the history of the lab in groundwater cleanup efforts. He enquired about the recent

cleanup efforts in Oklahoma including Eagle Industries site in Midwest City and Tar Creek Superfund site. A great deal of the discussions was related to Superfund efforts receiving high priority from the congress and RSKERC role in superfund cleanup. Some discussions were related to GWTSC and its strength in support of the remedial actions in the nation. The MOU with the Chickasaw Nation was discussed. During the meeting the congressman was pleased to announce that he was responsible for helping EPA get a small increase in funding. The tentative visit from the ORD Leadership, which will occur on June 11<sup>th</sup> and 12<sup>th</sup>, was mentioned.

The Management team expressed their gratitude to the congressman for attending the 50<sup>th</sup> Anniversary celebration as well as continued support of the groundwater research facility through the years.

Ann Keeley, Ph.D.  
Acting Director,  
Groundwater, Watershed, and Ecosystem Restoration Division

National Risk Management Research Laboratory  
Office of Research and Development  
U.S. Environmental Protection Agency

919 Kerr Research Drive, Ada, OK 74820  
Phone: 580.436.8890  
Email: [keeley.ann@epa.gov](mailto:keeley.ann@epa.gov)

Message

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**From:** Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]  
**Sent:** 2/6/2018 9:29:24 PM  
**To:** randy.krehbiel@tulsaworld.com  
**Subject:** FW: Chief of Staff Request for Information  
**Attachments:** MOA Case Summary\_Redacted.pdf

Randy, per our conversation, the following are the links to the redacted OIG investigation we discussed. The EPA released it pursuant to a FOIA request on April 25, 2016. There is another link in the email below to an irrelevant investigation.

I have attached the attachments due to the fact that FOIA Online is a system which easily gets bogged down.

I will get back with you further about making the investigator available for the record.

Thanks again

Ryan.

---

**From:** Ulmer, Craig  
**Sent:** Tuesday, February 6, 2018 2:56 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Elkins, Arthur <Elkins.Arthur@epa.gov>; Sheehan, Charles <Sheehan.Charles@epa.gov>; Sullivan, Patrick F. <Sullivan.Patrick@epa.gov>; Larsen, Alan <Larsen.Alan@epa.gov>; Fiore, Michael <Fiore.Michael@epa.gov>; Ulmer, Craig <Ulmer.Craig@epa.gov>  
**Subject:** Chief of Staff Request for Information

Ryan:

Reference is made to our previous conversations concerning this matter. The documents you have requested are both redacted and available to the public on FOIA Online. The Memorandum of Activity is at hyperlink, <https://foiaonline.regulations.gov/foia/action/public/view/record?objectId=090004d280c3ec6b> and the Case Closing Report is on page 46 of this hyperlink, <https://foiaonline.regulations.gov/foia/action/public/view/record?objectId=090004d2806a2a2c>.

Craig W. Ulmer  
Deputy Assistant IG for Investigations  
Environmental Protection Agency - OIG

Desk: 202-566-0943  
Cell: Ex. 6 - Personal Privacy  
e-mail: [ulmer.craig@epa.gov](mailto:ulmer.craig@epa.gov)

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Message

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**From:** Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]  
**Sent:** 2/13/2018 1:14:04 AM  
**To:** jwingerter@oklahoman.com  
**Subject:** EPA Inspector General investigation 2013-14  
**Attachments:** MOA Case Summary\_Redacted.pdf

Justin, I have attached an investigation of the Lead Impacted Communities Relocation Assistance Trust. The EPA Inspector General redacted it for names and made it public in April 2016. I think this will better inform your stories. I hope it is something you are interested in reporting.

Ryan Jackson  
Chief of Staff  
U.S. Environmental Protection Agency

Ex. 6 - Personal Privacy

Message

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**From:** Jackson, Ryan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38BC8E18791A47D88A279DB2FEC8BD60-JACKSON, RY]  
**Sent:** 2/13/2018 12:19:07 AM  
**To:** Ulmer, Craig [Ulmer.Craig@epa.gov]  
**CC:** Elkins, Arthur [Elkins.Arthur@epa.gov]; Sheehan, Charles [Sheehan.Charles@epa.gov]; Sullivan, Patrick F. [Sullivan.Patrick@epa.gov]; Larsen, Alan [Larsen.Alan@epa.gov]; Fiore, Michael [fiore.michael@epa.gov]  
**Subject:** RE: Chief of Staff Request for Information

Much appreciated to Craig for his work on coordinating being able to get information to highlight the OIG's work concerning Tar Creek. It was helpful for Pruitt and current AG Hunter, but most importantly it was helpful for the volunteers who ran the trust at Tar Creek. The OIG did a review of their work 4 years ago and found no wrongdoing. That was vindication for them and provides some truth to the stories which are not helpful. Much appreciated. The story in the Tulsa paper wasn't the greatest, but it did provide that vindication which I believe was important.

---

**From:** Ulmer, Craig  
**Sent:** Tuesday, February 6, 2018 5:25 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Cc:** Elkins, Arthur <Elkins.Arthur@epa.gov>; Sheehan, Charles <Sheehan.Charles@epa.gov>; Sullivan, Patrick F. <Sullivan.Patrick@epa.gov>; Larsen, Alan <Larsen.Alan@epa.gov>; Fiore, Michael <Fiore.Michael@epa.gov>  
**Subject:** RE: Chief of Staff Request for Information

Ryan,

You are correct FOIA On Line is a difficult system to deal with. The second report was on page 46 of a multipage request, I have attached the two documents to get you the information you need. Also, when you have a chance we request additional information on your needs with the local newspaper.

Craig

Craig W. Ulmer  
Deputy Assistant IG for Investigations  
Environmental Protection Agency - OIG

Desk: 202-566-0943  
Cell: Ex. 6 - Personal Privacy  
e-mail: [ulmer.craig@epa.gov](mailto:ulmer.craig@epa.gov)

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**From:** Jackson, Ryan  
**Sent:** Tuesday, February 06, 2018 4:31 PM  
**To:** Ulmer, Craig <Ulmer.Craig@epa.gov>  
**Cc:** Elkins, Arthur <Elkins.Arthur@epa.gov>; Sheehan, Charles <Sheehan.Charles@epa.gov>; Sullivan, Patrick F.

<Sullivan.Patrick@epa.gov>; Larsen, Alan <Larsen.Alan@epa.gov>; Fiore, Michael <Fiore.Michael@epa.gov>

**Subject:** RE: Chief of Staff Request for Information

Again, thanks.

I got the links to open. The second doesn't appear relevant. Can you double check that link?

Additionally, I am very interested and frankly need to place someone on the record with the local newspaper to answer any questions concerning the investigation. How can I accomplish that this week?

---

**From:** Ulmer, Craig

**Sent:** Tuesday, February 6, 2018 2:56 PM

**To:** Jackson, Ryan <jackson.ryan@epa.gov>

**Cc:** Elkins, Arthur <Elkins.Arthur@epa.gov>; Sheehan, Charles <Sheehan.Charles@epa.gov>; Sullivan, Patrick F. <Sullivan.Patrick@epa.gov>; Larsen, Alan <Larsen.Alan@epa.gov>; Fiore, Michael <Fiore.Michael@epa.gov>; Ulmer, Craig <Ulmer.Craig@epa.gov>

**Subject:** Chief of Staff Request for Information

Ryan:

Reference is made to our previous conversations concerning this matter. The documents you have requested are both redacted and available to the public on FOIA Online. The Memorandum of Activity is at hyperlink, <https://foiaonline.regulations.gov/foia/action/public/view/record?objectId=090004d280c3ec6b> and the Case Closing Report is on page 46 of this hyperlink, <https://foiaonline.regulations.gov/foia/action/public/view/record?objectId=090004d2806a2a2c>.

Craig W. Ulmer  
Deputy Assistant IG for Investigations  
Environmental Protection Agency - OIG

Desk: 202-566-0943

Cell: Ex. 6 - Personal Privacy

e-mail: [ulmer.craig@epa.gov](mailto:ulmer.craig@epa.gov)

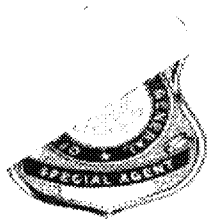
**To report fraud, waste or abuse impacting EPA, please contact the EPA OIG Hotline via telephone numbers 202-566-2476 or 888-546-8740, fax 202-566-2599, or email at [oig\\_hotline@epa.gov](mailto:oig_hotline@epa.gov)**

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Message

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**From:** DC-WJCN-3402-M@epa.gov [DC-WJCN-3402-M@epa.gov]  
**Sent:** 2/2/2018 12:28:27 PM  
**To:** Jackson, Ryan [jackson.ryan@epa.gov]  
**Attachments:** image2018-02-02-072827.pdf



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**OFFICE OF INSPECTOR GENERAL**  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202

**DATE:** MARCH 6, 2013

**PREPARED BY:** SA SUSAN B. CHANDLER

**CASE #:** OI-DA-2012-CAC-0114

**CROSS REFERENCE #:**

**TITLE:** ARRA SF: TAR CREEK/LICRA TRUST QUI TAM

**CASE CLOSING REPORT**

Subject(s)	Location	Other Data
Mark Osborn, MD	OTTOWA COUNTY, OK	N/A
Jim Thompson	OTTOWA COUNTY, OK	N/A
Mike Sexton	OTTOWA COUNTY, OK	N/A
Virgil Jurgensmeyer	OTTOWA COUNTY, OK	N/A
Chris White	OTTOWA COUNTY, OK	N/A
CWF Enterprises, Inc.	OTTOWA COUNTY, OK	N/A
Jack Dalrymple, P.E.	OTTOWA COUNTY, OK	N/A
Miami Engineering Service, LLC	OTTOWA COUNTY, OK	N/A
Vision Construction and Project Management	OTTOWA COUNTY, OK	N/A

**ALLEGATION:** On May 15, 2012, the Reporting Agent (RA) initiated this investigation based upon a Qui Tam complaint filed in the United States District Court for the Western District of Oklahoma. Relators, alleged members of the Lead Impacted Communities Relocation Assistance Trust ("the Trust") along with their contractors engaged in a scheme to submit false claims for payments made from ARRA Grant Funds awarded to the Oklahoma Department of Environmental Quality.

**FINDINGS:** Extensive record reviews and interviews were conducted which did not disclose evidence to support the allegations. Investigative activity was concluded on January 23, 2013 and a Memorandum of Activity summarizing the findings was prepared and provided to the United States Attorney's Office.

**DISPOSITION:** Based upon the investigative findings, a decision was made by the United States Attorney's Office to decline intervention.. Therefore, it is recommended this investigation be closed.

**RESTRICTED INFORMATION**

Page 1

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**OFFICE OF INSPECTOR GENERAL**  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202

**CASE #:** OI-DA-2012-CAC-0114

**CROSS REFERENCE #:**

**TITLE:** ARRA SF: TAR CREEK/LICRA TRUST QUI TAM

**CASE AGENT:** SUSAN B. CHANDLER

**SIGNIFICANT INCIDENT REPORT**

**NARRATIVE:**

On March 4, 2013, the United States Attorney's Office for the Western District of Oklahoma filed a Notice of Declination to Intervene in the aforementioned Qui Tam. On March 6, 2013 the Court issued an order unsealing the complaint.

**Background:**

On April 26, 2012, relators filed a Qui Tam complaint with the United States District Court for the Western District of Oklahoma. In the complaint, they alleged members of the Lead Impacted Communities Relocation Assistance Trust ("the Trust") along with their contractors engaged in a scheme to submit false claims for payments made from ARRA Grant Funds awarded to the Oklahoma Department of Environmental Quality.

The investigation was initiated May 15, 2012 upon receipt of the Qui Tam. Extensive record reviews and interviews were conducted which did not disclose evidence to support the allegations. Investigative activity was concluded on January 23, 2013 and a Memorandum of Activity summarizing the findings was prepared and provided to the United States Attorney's Office. Based upon the investigative findings, a decision was made to decline intervention.

**Attachments:**

1. MOA, Case Summary

  
MOA Case  
SummaryF.pdf

2. Letter of Declination and Court Filings

  
Barron01 -  
declination.pdf





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**OFFICE OF INSPECTOR GENERAL**  
1445 ROSS AVE, ROOM 9E13  
DALLAS, TX 75202

**CASE #:** OI-DA-2012-CAC-0114

**CROSS REFERENCE #:**

**TITLE:** ARRA SF: TAR CREEK/LICRA TRUST QUI TAM

**CASE AGENT:** SUSAN B. CHANDLER

**MEMORANDUM OF ACTIVITY**

**NARRATIVE:**

During the period of January 7 – 23, 2013, SA SUSAN CHANDLER completed the following summary of investigative activity and findings for the purpose of assisting RON GALLEGOS, Assistant United States Attorney, Western District of Oklahoma, Oklahoma City, OK, in making a determination as to whether or not to join in the Qui Tam Lawsuit.

**BACKGROUND**

On May 15, 2012, SA Susan Chandler received Hotline Complaint 2012-139 pertaining to a Qui Tam complaint filed under seal on April 26, 2012. The complaint was filed by two complainants alleging a conspiracy to defraud the United States Government through the submission of False Claims and False Statements. In 2009, an EPA awarded American Recovery and Reinvestment Act (ARRA) fund, in an amount exceeding \$15M, to the Oklahoma Department of Environmental Quality in (ODEQ) through a grant. The purpose of the grant was to provide funding to the Lead Impacted Communities Relocation Assistance Trust (LICRAT or "The Trust") to complete the home buyout and relocation project involving all residents living in the Picher, Cardin, and Hockerville, OK, areas. The project included demolition and debris removal of all homes which had been purchased. The Trust subsequently received a grant from ODEQ upon which they advertised and awarded a series of subcontracts for the work required to complete the project. The complainants allege that certain individuals conspired and worked in concert with each other to submit false claims for work which was either never completed or not allowed under the grant.

**HISTORY**

On August 31, 2004, the State of Oklahoma established the Trust for the purpose of relocating families in highly contaminated areas of the Tar Creek Superfund Site. These areas consisted primarily of the towns of Picher and Cardin, OK. In 2009, President Obama signed into law, the ARRA. Under ARRA, a grant was awarded to the ODEQ, for pass through to the Trust sighting relocation families within the "affected zone" to include demolition, debris removal, and restoration of the property to a more natural state. The "affected zone" was defined as those areas which were most likely to experience subsidence (land sinking) as a result of the

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Page 1

ED\_001863D\_00014005-00005

underground mining activities which had occurred in the area. The "affected zone" was comprised primarily of the towns of Picher and Cardin, OK.

Subsequently, upon receipt of the funds, the Trust awarded a contract to TWIN BRIDGES, Alexandria, LA, an entity owned by JOHNNY SEELING. SEELING submitted the lowest bid based upon the concept that he would relocate and restore the nicer homes into an unaffected, uncontaminated area and resell them. SEELING excessively underbid the contract expecting to make his profit on the sale of the homes. The contract included the demolition and restoration of properties in the towns of Picher, Cardin, and Hockerville. Also included in the contract was a requirement to fill an extensive subsidence area (sink hole) in Hockerville and then build a cap over the fill to return the land to a more natural state. During the period of time in which SEELING held the contract, he failed to complete even 10 percent of the work required. Accordingly, after attempting to work with him for approximately 2 years, the contract with TWIN BRIDGES was terminated for default.

Following the termination of the TWIN BRIDGES contract, the Trust became aware that they needed the assistance of an engineer experienced in construction, demolition, debris removal, and restoration. The members of the Trust were volunteers with no experience relevant to this project. As such, the Trust engaged the services of JACK DALRYMPAL as consulting engineer. The Trust then issued a new RFP with DALRYMPAL's assistance. Because of the experience with TWIN BRIDGES, this new RFP included certain criteria for quality control, time management, and progress. A quality control grading sheet was developed as a means to determine the responsiveness to bid requirements as well as capabilities to perform the job. The contract was subsequently awarded to STONE'S BACKHOE, DOZER & TRUCKING, Miami, OK, as STONE'S was the only entity deemed to be responsive since their bid was the only one to contain all the requirements.

After the award to STONE's, a competing contractor, DT SPECIALIZED SERVICE, Catoosa, OK, filed a lawsuit in district court based upon the Trust's failure to meet certain state mandates during the award process. Ultimately, the court found the Trust failed to comply with the State of Oklahoma's Open Meeting Act and as such, the award to STONE's was vacated.

During the court proceedings, STONE's was given the authorization to proceed with work at which time, they and their subcontractors processed approximately 37 properties. Unfortunately, during this time, the Trust became aware that STONE's was unable to obtain the required performance and payment bonds. As a result STONE's assigned all rights and responsibilities for performance under the contract to their subcontractor VISION CONSTRUCTION AND PROJECT MANAGEMENT, INC. (AKA: CWF ENTERPRISES), Grove, OK. After the contract was vacated by the court, the Trust had no mechanism under which VISION/CWF could be paid for the 37 properties already completed. As such, the Trust, in coordination with the Oklahoma Attorney General's Office (assigned to provide legal advice to the Trust), advised VISION/CWF to file a lawsuit. The Trust and VISION/CWF came to a settlement approved by the court and as such VISION/CWF was paid monies due for services rendered.

Following the lawsuit and contract award vacation by the court, the Trust engaged the services of Oklahoma's Department of Central Services (DCS) for award of another contract. Accordingly, DCS worked with the Trust and ODEQ to determine the scope of work and contract

requirements. In this instance, the filling of the subsidence area in Hockerville was removed from the Scope of Work because the local communities and county had agreed to fill the hole. The RFP included a Base Bid, an Alternate Bid, and an Option. The Base Bid was for the demolition, debris removal, and restoration of the property with debris being disposed of at an EPA operated repository. Further, the RFP required unit pricing for demolition square footage, asbestos removal, debris removal, and seeding be included as a basis for the Base Bid.

The Alternate was included as a contingency in the event the EPA operated repository was no longer available for disposal of debris by the Trust's contractor. The Alternate was for the additional cost which would be required to transport and dispose of debris at a licensed commercial landfill, pre-determined to be B3 CONSTRUCTION, Skammon, KS. No unit pricing was required to be supplied for the Alternate.

The Option was for the capping of the subsidence area in Hockerville. Cap specifications were included as part of the Scope of Work; however, the Option specifically excluded filling of the hole since the local governmental entities had committed to doing so. No unit pricing was required to be provided for the Option.

During the pre-bid conference, bidders were advised that unit pricing was only to be used as a basis for the Base Bid and would not be used for performance or payment purposes. Further, bidders were advised that the Alternate was for additional costs to take debris to a licensed landfill in the event the EPA repository became unavailable.

Bids were reviewed using a best value determination. This determination includes the process of reviewing performance requirements in the blind, which means that the bidder was not identified in any way on this portion of the review and scoring. Subsequently, once best value was determined, a review of proposed bid amounts was considered. Based upon these criteria, CWF ENTERPRISES was determined to be the lowest, most responsible, responsive bidder. DCS provided a recommendation of award of the contract to the Trust who agreed, by letter, with the recommendation to make the award to CWF at a Base Bid amount of \$1,701,752.97, an Alternate amount of \$1,324,032.96 and \$25,000 for the Option. However, due to an error by DCS, the contract awarded to CWF included the Base Bid value excluding the Alternate and the Option. Subsequently, upon discovery of the error, an amendment was written to include the omitted amounts.

At the time the DCS RFP was issued and bids were submitted, there was a belief that 248 properties would be available for demolition. Unfortunately, on the day of contract award, ODEQ and the Trust were notified that approximately 66 of the properties were unavailable due to restrictions imposed by the Bureau of Indian Affairs (BIA), on behalf of the Quapaw Tribe. CWF immediately requested an amendment to the contract changing the unit price for demolition/debris removal and adding a remobilization fee of \$3,000 per property. After negotiation on the issue, it was determined that CWF would experience additional costs not anticipated at the time of bid because they would not be able to operate efficiently, having to skip certain properties and then return later to complete them. Accordingly, a no cost amendment was written to increase the unit price for demolition/debris on a graduating scale based upon the length of the delay caused by the restrictions. The amendment did not include a remobilization

fee or any other related costs. Although CWF requested a contract modification to adjust the price of asbestos removal, no modifications to the original unit price were made.

The contract was awarded as a "Lump Sum" contract meaning that CWF would be paid no more and no less at contract completion than the total amount of award without cost increase/decrease by official contract modification. At the end, including the amendments, the total contract value was \$3,050,785.93. Although bidders were advised that unit pricing was only to be used for the purposes of evaluating the Base Bid, DALRYMPAL imposed the use of unit prices during the billing process as a means to establish monies earned for progress payments. The unit price for the Base Bid was used exclusively for demolition/debris removal, excluding asbestos, up until the time the Trust, ODEQ, and CWF believed the EPA repository was no longer available. At that time, an additional unit cost, derived by DALRYMPAL from the Alternate bid, was added to the unit cost of the Base Bid for demolition/debris removal. No adjustment was made throughout contract performance and billing for asbestos. Further, for those properties delayed by the BIA, the unit price billed was comprised of the negotiated price included in the aforementioned amendment plus the Alternate unit price. Finally, although the RFP stated that no adjustments would be made for square footage beyond that specified in the RFP, CWF was allowed to bill for actual square footage determined at the time of demolition. This deviation occurred as the result of finding numerous errors early on during the demolition process in which the square footage was grossly overstated in the RFP. The square footage included in the RFP was derived by the entity responsible for the buyout of the property. This overstatement was likely the result of the removal of outbuildings by the original property owner between the time of buy out and the time of demolition. The change in square footage billed by CWF resulted in an overall increase of approximately 9-12 percent above the original square footage in the RFP. A total of approximately 387,000 square feet was disposed of during the life of the contract versus the total amount of 369,000 square feet billed, versus approximately 339,000 square feet included in the RFP.

During contract performance, DALRYMPAL, ODEQ, and the Trust became aware that the local communities who had committed to filling the Hockerville subsidence area had failed to do so. In order for the area to be capped, it would have to be filled first. Accordingly, in coordination with ODEQ, debris from certain properties was deemed to be disposed of at Hockerville. During the early portion of contract performance, only the unit price for demolition/debris removal included in the Base Bid was used for debris taken to Hockerville. After the repository was believed to be unavailable, the Alternate was added to the Base Bid unit price for billing/progress payment purposes. Only a small number of properties was taken to Hockerville prior to the belief that the repository was closed. The majority of the disposal at Hockerville occurred subsequent to the repository closing. The remainder of the debris was taken to Skammon, KS, for disposal, with one exception.

During the debris removal and disposal at the EPA repository, additional costs were incurred by CWF. At the time of the bid conference, bidders were advised that all debris would be accepted at the EPA Repository, except items such as white goods (refrigerators, washer, dryer, freezer, etc.) and large items such as automobiles and components. During contract performance, CWF was advised by EPA that additional items would not be accepted. This change by EPA resulted in a new requirement that CWF sort the debris according to EPA specifications. The sorting was

not a cost factor included in the original bid, and therefore, CWF was allowed to include a billed amount for this effort.

In February and March of 2011, EPA and or their contractor began to notify the Trust, DALRYMPAL, and ODEQ that there needed to be more disposal activity at the repository. As a result of the restricted properties, demolition debris being disposed of at the repository was slowing down. EPA was paying for a compactor and for personnel to support the disposal out of their budget for cleanup operations at the site related to Operable Unit 4 (OU4). With limited disposal activity, EPA felt they were not spending money wisely by continuing to support the Trust. As such, EPA informed the Trust that they may need to consider alternatives for disposal. EPA and their contractor advised they would be turning in the compactor if there was no resolution on the restricted lands by March 25, 2011. Further, the repository was scheduled to be closed for unrelated reasons during a short period of time. Since the restricted properties issue was not resolved prior to the deadline, the Trust, ODEQ, and DALRYMPAL had a reasonable belief that the repository was no longer available for their use. As such, CWF began using the Alternate which was a contingency in the event the repository closed. This altered the progress payment billings wherein the Alternate unit price was added to the Base Bid unit price for all properties processed after March 25, 2011. Further, once the BIA properties became available, they were billed using the Alternate unit cost plus the higher negotiated rate for the delay. The exception to this involves a handful of properties processed at the end of the project which were not included in the RFP and were not delayed by the BIA. These properties were billed based upon the Alternate unit price plus the Base Bid unit price.

The scope of work prohibited the selling of any demolition debris for scrap. The exception to this involved a particularly large and complicated property known as the Landis Building. A significant quantity of metal which could be sold for scrap was included as part of the structure. Prior to selling the metal for scrap, a dispute ensued where in the Quapaw Tribe asserted the building belonged to them and that they should receive any proceeds from the scrap. Following negotiation between EPA and BIA on behalf of the Tribe, an agreement was reached wherein the scrap was transported by CWF to a location determined by the Tribe, and all proceeds from the sale of the scrap were paid to the Tribe. The remainder of the debris was to be processed in accordance with contractual specifications. Unfortunately, prior to transport of the debris to the landfill, a tornado touched down in the area scattering the debris which had been stockpiled awaiting disposal. CWF was authorized to bill for 90% of the square footage determined for the building.

Additionally, the scope of work included seeding once all demolition debris was removed. During the project, a decision was made that funds could be better used for additional demolition rather than seeding. The seeding was intended to prevent soil migration (AKA: erosion); however, the chances for such erosion was deemed to be low because most of the properties contained vegetation in the form of native grasses and weeds. Accordingly, after coordination between DALRYMPAL, DCS, the Trust, and ODEQ, a decision was made to discontinue the seeding effort. Subsequently, DALRYMPAL provided instructions to CWF to stop seeding.

Without regard to the foregoing information, it should be noted that this was a lump sum contract. Legally, under the terms of a lump sum contract, at the time of contract completion, CWF would be and was paid a total of \$3,050,785.93, which, after all amendments, was the total



contract value. The amounts billed as progress payments and the way those amounts were derived are irrelevant to the total contract value. As such, any adjustments in billing of unit costs and added fees such as the EPA sorting requirements resulted in no indications of fraud or false claims in any way since the total work to be completed was done so successfully. The only way any of these changes could have resulted in any type of fraud would have been in the event of a default by CWF and a failure to successfully finish the project.

## **GENERAL ALLEGATIONS**

### **Allegation 1:**

MARK OSBORN, LICART Chairman, hired JACK DALRYMPAL to act as Property Improvement Project Oversight Engineer/Project Manager. DALRYMPAL began working for the Trust on approximately January 26, 2010, and was being paid approximately 10% of the project contract price. Subsequently, the Trust entered into a contract with DALRYMPAL on September 30, 2010, for one year with a total payment in the amount of \$305,472.00. This amount far exceeded 10 percent of the contract price at that time which was \$1,701,752.97.

### **Allegation 1 Findings:**

Interviews and document reviews disclosed DALRYMPAL was initially paid a 10 percent fee based upon a similar contract he had with the City of Commerce, OK. The fee was changed in September 2010 based upon a complaint from State Senator CHARLIE WYRICK that 10 percent was too high. Accordingly, the Trust made a decision to pay DALRYMPAL an hourly rate plus expenses, excluding travel. The September 2010 contract was issued for a "maximum" value of \$305,472 which was derived from an estimate provided by DALRYMPAL. In the end, DALRYMPAL was paid less than the maximum amount.

### **Allegation 2:**

On March 24, 2010, the Trust executed a contract with STONE's BACKHOE, DOZER, & TRUCKING (SBDT) despite the fact they were not the lowest bidder. Complainants alleged DALRYMPAL engaged in a conspiracy to award the contract to SBDT by changing the quality control requirements making them more subjective. The RFP stated, "If a contractors' quality control plan, progress schedule, and time control methods are found to be unacceptable by the Trust, the bid will not be considered to be responsive."

### **Allegation 2 Findings:**

Interviews and document reviews disclosed that the RFP in question was issued by the Trust with DALRYMPAL's assistance on February 24, 2010. Quality Control criteria were included in the RFP based upon DALRYMPAL's historical experience in construction/demolition work, as well as issues experienced with the TWIN BRIDGES contract. The bids and quality control score sheets were reviewed with the assistance of a technical engineer at EPA who has never had any dealings with the Tar Creek Superfund Site or the parties in question. The review

determined that the scores given to the bidders were reasonable and that in fact, SBDT was the only contractor to meet all criteria specified in the RFP and was therefore, the only responsive bidder despite the cost factor. Since the RFP provided specific criteria to be met, the same requirements were available to all bidders and as such, SBDT had no advantage over any of the other bidders. It is the responsibility of the bidder to ensure that all requirements contained within the RFP are met in their bid proposal.

**Allegation 3:**

After the contract award to SBDT was vacated, CWF (AKA: VISION CONSTRUCTION AND PROJECT MANAGEMENT) was instructed by the trust to file a lawsuit to receive payment for services rendered. Complainants allege that no services were performed by VISION.

**Allegation 3 Findings:**

Interviews and document reviews disclosed that 37 properties were processed during the time SBDT held the contract, prior to the court vacating the award. Further, when SBDT assigned all rights and responsibilities to CWF, CWF was entitled to receive payment for the work performed on those 37 properties. After the contract was vacated, there was no legal mechanism for CWF to file a claim for that work. The only alternative was to file a lawsuit in order to receive payment due.

**Allegation 4:**

DALRYMPAL conspired to award the DCS contract to CWF by scoring the technical evaluation highest for CWF thereby skewing the averages.

**Allegation 4 Findings:**

Interviews and document reviews disclosed the DCS contract award was based upon a "best value" award process which was identified in the RFP. Documentation submitted by prospective bidders was reviewed by a committee without knowledge of who the bidder was. This process resulted in a selection of three "best value" bidders. After the "best value" bidders were selected, the only consideration was on total price, an element not included in the "best value" analysis. In this instance, the lowest bidder was CWF. Further, no evidence could be located which would indicate any of the parties involved in this bid and award process were engaged in a conspiracy to affect the outcome of the process.

**Allegation 5:**

DALRYMPAL conspired to steer the contract award to CWF by providing them a written recommendation.

#### **Allegation 5 Findings:**

DCS requires bidders provide Survey Questionnaires to entities which previously engaged their services. In this case CWF provided three completed Questionnaires, one of which was from DALRYMPAL. A review of the questionnaires disclosed that of the three parties completing the document, CWF received the lowest rating from DALRYMPAL. Further, although the Questionnaires were inadvertently included in the "best value" blind review, which could indicate to DALRYMPAL which bidder was CWF, a committee of four scored each of the four bidders independently. The scores were then consolidated and analyzed based upon weighted averages. Even with DALRYMPAL's scores included, CWF was not the highest scoring bidder. Removing DALRYMPAL's scores from the analysis had no impact on the outcome for the three of four bidders selected for further consideration. After selecting the three bidders, lowest bid wins the award, which was CWF. Again, no evidence was found which would indicate a conspiracy among the review committee or between any party and CWF.

#### **Allegation 6:**

DALRYMPAL conspired to pay additional funds to CWF through amendments and changes to the contract, specifically the increase in unit price of square footage based upon the restricted access to certain properties.

#### **Allegation 6 Findings:**

Interviews and document reviews disclosed the unit price of square footage was increased based upon additional costs incurred by the contractor as a result of not being able to efficiently demolish properties in a given area and having to return to that area to demolish a previously restricted property. Despite the increase in unit price, there was no cost increase to the contract. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

#### **SPECIFIC ALLEGATIONS:**

##### **Allegation 7:**

CWF submitted false claims for mobilization and bonds/insurance as part of Application and Certification for Payment No. 1 dated February 11, 2011.

##### **Allegation 7 Findings:**

Mobilization fees are a standard cost included in all construction type contracts across the industry. Additionally, reimbursement for bond/insurance fees is also standard across industry. Both are considered allowable costs in accordance with all DCS and federal rules and regulations. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

**Allegation 8:**

CWF submitted false claims for property billings on all Applications and Certifications for payment because they billed for square footage derived during the creation of the AutoCAD drawings on a given property versus the square footage included in the RFP as required by the scope of work. The scope of work specifically stated there would be no adjustment for square footage per property.

**Allegation 8 Findings:**

Interviews and document reviews disclosed the square footage billed was based upon the AutoCAD drawings in agreement between CWF, DALRYMPAL, the Trust, ODEQ, and DCS because the square footage in the RFP was found in many cases to be grossly inaccurate. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

**Allegation 9:**

CWF submitted false claims for asbestos removal on three specific properties included in Payment Application and Certification No. 3, dated April 14, 2011, even though these properties had been burned down and no asbestos removal was performed.

**Allegation 9 Findings:**

Interviews and document reviews disclosed that two of the three properties had been hit by a tornado rendering them unsafe for entry. The third property was burned mid-way through demolition. Despite these factors, asbestos still remained and had to be removed. Although it was not removed by an abatement contract, the work was overseen by the asbestos abatement contractor and the asbestos was removed in accordance with prescribed procedures. Accordingly, CWF was entitled to payment for services rendered. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

**Allegation 10:**

CWF submitted a false statement by certifying on Payment Application and Certification No. 3, dated April 14, 2011, that all work had been completed on the listed properties when in fact no seeding was performed on several properties as required by the scope of work.

**Allegation 10 Findings:**

Interviews and document reviews disclosed that a decision was made among DALRYMPAL, DCS, the Trust, and CWF to discontinue seeding once the scheduled seeding amount was exceeded. Therefore, once that decision was made, there would be no false statements with regard to work completed on the properties. Further, this was a lump sum contract and CWF

was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

**Allegation 11:**

CWF submitted false claims for land fill fees that were not incurred for disposal of debris taken to the Hockerville subsidence area and for land fill fees charged on demolition debris which was taken to Skammon, KS, but could have been taken to the Hockerville subsidence area.

**Allegation 11 Findings:**

Interviews and document reviews disclosed that upon reasonable belief that the EPA repository was no longer available for demolition debris from this project CWF began billing the Alternate unit price plus the Base Bid unit price or the higher negotiated unit price resulting from the delayed access to BIA properties for all properties completed after March 25, 2011. Although no landfill fees were directly incurred for debris placed in the Hockerville subsidence area, CWF incurred additional costs in transportation along with equipment rental and personnel to operate said equipment to compact and level the debris deposited. In agreement with the Trust, DALRYMPAL, DCS, and ODEQ, CWF billed the Alternate unit price in addition to the Base Bid unit price in order to compensate them for the additional costs which were not part of the original RFP or bid package. Additionally, DALRYMPAL coordinated with ODEQ for approval to take certain properties to Hockerville. ODEQ advised that "all" the debris could be taken there referring to those specifically identified properties. The complainants allege that ODEQ was authorizing all debris remaining on the site to be taken to Hockerville. Even if this had been the case, that quantity of debris would not have fit into the subsidence area, therefore requiring some debris to be taken to Skammon, KS. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

**Allegation 12:**

CWF submitted false claims associated with work completed under Option A for capping the Hockerville subsidence area. Complainants allege that the cap was not completed in accordance with contract specifications.

**Allegation 12 Findings:**

Interviews and document reviews disclosed CWF's failure to complete the cap in accordance with contract specifications is wholly the opinion of the complainants and not based upon scientifically sound data supporting the assertion. The Trust, DALRYMPAL, DCS, and ODEQ assert the work was performed as required. No evidence was discovered to support the assertion that defective work was completed and billed for. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments, which included the amount of \$25,000 for Option A.

**Allegation 13:**

CWF submitted false claims for demolition and debris removal for the property known as the "Mickey Mantle Marriage House" which was never demolished and still stands today.

**Allegation 13 Findings:**

Interviews and document reviews disclosed that although the Mickey Mantle Marriage House still stands today, it does not stand in its original location. Once moved from its original location, items still remained at the original property which needed to be demolished, debris removed and disposed of. Therefore, CWF was entitled to payment for services rendered. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

**Allegation 14:**

CWF submitted false claims for general debris removal in excess of the quantity of debris included in the RFP for general debris removal.

**Allegation 14 Findings:**

Interviews and document reviews disclosed the category of General Debris Removal was included as a catchall for debris not specifically related to a particular property including debris scattered by the tornado. The amount included in the RFP was strictly an estimate as it was impossible to accurately determine the quantity of miscellaneous debris throughout the affected zone including debris scattered by the tornado. Accordingly, CWF was allowed to bill for the actual amount of debris collected. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

**Allegation 15:**

CWF submitted false claims for transportation of salvage which was not an amount allowed in the RFP.

**Allegation 15 Findings:**

Interviews and document reviews disclosed that transportation costs for debris taken to salvage was billed for scrap taken to the BIA specified salvage yard in accordance with the negotiated agreement between the BIA and EPA. CWF was allowed to bill for the transportation cost because it was an unforeseen aspect to the job at the time of contract award. Despite being allowed to bill for this cost, there was no increase to the overall contract value. Further, this was a lump sum contract and CWF was entitled to the full contract value of \$3,050,785.93 upon successful completion of the project without regard to the method used to derive progress payments.

**CONCLUSION:**

This investigation revealed no evidence to support any allegations by the complainants.



**UNITED STATES DEPARTMENT OF JUSTICE**  
**SANFORD C. COATS**  
*United States Attorney for the Western District of Oklahoma*

OKLAHOMA TOWER, SUITE 400  
(405) 553-8700

210 PARK AVENUE

OKLAHOMA CITY, OK 73102  
FAX: (405) 553-8885

March 6, 2013

**CONFIDENTIAL**

Zachary T. Barron  
Gibbon, Barron & Barron, PLLC  
20 East 5th Street, Suite 1000  
Tulsa, Oklahoma 74103

RE: *U.S. ex rel. Freeman v. Mark Osborn, M.D., et al.*  
Case No. CIV-12-462-R  
U.S.D.C. for the Western District of Oklahoma

Dear Mr. Barron:

After review and consultation with its investigative agencies, the United States has decided to decline intervention in this case and previously filed a Notice of Election to Decline Intervention. The case was unsealed by the Court, and on behalf of your client, you are free to serve the Defendants.

Even though the United States has declined to intervene and you will now be litigating this case for your client in the name of the United States, I thought it would be helpful to remind you of certain provisions in the False Claims Act and to advise you of certain policy considerations that may assist you in litigating or settling this case.

While the United States is not a litigant to the underlying action, the United States remains the real party in interest, entitled to the majority of any damages and penalties recovered on its behalf. 31 U.S.C. § 3730(d). Therefore, please note the following:

1. Decision to decline intervention

There are many factors that go into any decision to intervene in addition to any determination as to the merits of the claim, including the prioritizing of limited government resources, the cost of litigation, the proof of fraud and the amount of damages. Our decision to decline is not and should not be construed as a statement about the merits of the case. Indeed, the Government retains the right to intervene at a later date upon a showing of good cause. 31 U.S.C. § 3730(c)(3).



## 2. Discovery

The United States is a third party for discovery purposes, and any discovery requests should comply with the Federal Rules with regard to discovery from third parties. In most cases, if you wish to question a government employee, you will have to do so by deposition. Please note that you also may have to comply with the agency's "Touhy regulations." (See, for example, 32 C.F.R. § 97.6 Department of Defense). The Government will object to requests for admissions or answers to interrogatories. Of course, the Government also may assert any appropriate privileges.

## 3. Service of pleadings

When the Government submitted its notice of declination, it invoked its statutory right, 31 U.S.C. § 3730(c)(3), to receive copies of all pleadings filed by the litigants. Accordingly, please be sure to send a copy of all documents filed with the Court to me.

## 4. Amended Complaint

If an amended complaint is filed that differs substantively from the original complaint, it should be filed under seal and should not be served upon the defendant, pursuant to the False Claims Act's provisions on initiating actions, 31 U.S.C. § 3730(b)(2). Such an amended complaint would initiate a new sixty-day seal period as to the new matters raised in the amended complaint, subject to extensions, during which the United States would conduct an investigation and elect whether to intervene in and proceed with the action. Substantive amendments to an original complaint that would trigger a new sixty-day investigatory period include any new allegations of fraud or the addition of defendants not named in the complaint.

## 5. Settlement

The parties can dismiss this action only with the consent of the Department of Justice, 31 U.S.C. § 3730(b)(1). Thus, a settlement of this case requires the consent of this office. (The Ninth Circuit has held that a court can approve a settlement over the objection of the Government if the Government has been given an opportunity to explain its objection to the court. *U.S. ex rel. Killingsworth v. Northrop Corp.*, 25 F.3d 715 (9th Cir. 1994)). Accordingly, we recommend that once the subject of settlement is raised, the parties should notify Government counsel and keep the Government informed as discussions progress.

With regard to settlement, please note:

- a. The Government will not agree to dismissal with prejudice of False Claims Act liability (or other potential Government actions) unless the Government is receiving a recovery.
- b. The Government will review the reasonableness of all proposed settlement amounts. Many false claims actions include a count for wrongful employment discrimination pursuant to 31 U.S.C. § 3730(h). Where a settlement addresses both damages to the Government and to

the relator, we are careful to ensure that the Government is receiving its fair share of the total settlement amount.

- c. 31 U.S.C. § 3730(d)(2) provides that if False Claims Act liability is found, the defendant shall be directly liable to the relator for reasonable expenses and attorney fees and costs. If a settlement is to address this issue, the defendant and relator should agree on the amount and provide for payment directly from the defendant to the relator. The Government will review this amount to ensure that it is reasonable.
- d. The False Claims Act provides that in a declined qui tam case, the relator shall receive 25 to 30 percent of the proceeds of the action. 31 U.S.C. § 3730(d)(2). Under certain circumstances, the award may be less than 25 percent. 31 U.S.C. § 3730(d)(3). The agreement on a percentage is a matter to be addressed by the Government and the relator - or the court if agreement cannot be reached. Agreement with the government on the relator's share can be part of the settlement agreement with the defendant or the Government or the relator can deal with this issue separately. When we agree on the proper relator's share of any settlement proceeds, the relator must agree to release all claims against the United States arising from the filing of the qui tam. Payment of damages must be made to the Government. If defendant's payments to the government are to be over time, payment of the relator's share also will have to be over time.
- e. The Government has several strict requirements regarding the contents of its False Claims Act settlement agreements. We can send you sample copies of settlement agreements if you request. Generally, note the following:
  - 1. Our releases are narrow. A relator may only negotiate to release False Claims Act claims. The relator has no authority with respect to any other causes of action the government might have against the defendant. We will release the defendant only for civil monetary liability for the specific allegations of the complaint.
  - 2. The agreement must contain language that: (1) the settlement does not release the defendant from claims arising from the Internal Revenue Code; (2) the settlement does not release the defendant from possible suspension or debarment action; (3) the defendant may not charge back to the Government directly or indirectly any of the costs or expenses of the litigation. Depending on the type of case, other mandatory language may be required.

I hope that providing you with these guidelines will facilitate any negotiations and help avoid an agreement between the parties that the United States cannot support. If you have any questions, please feel free to contact me at (405) 553-8844.

Sincerely,

SANFORD C. COATS  
United States Attorney

  
RONALD R. GALLEGOS  
Assistant U.S. Attorney

Enclosures

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

**FILED**

MAR 04 2013

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY \_\_\_\_\_ DEPUTY

UNITED STATES OF AMERICA, )  
*ex rel.* BILLY FREEMAN, JR. and )  
JOE CRAWFORD, )

Plaintiffs, )

v. )

CIV-12-462-R

*FILED IN CAMERA*

*AND UNDER SEAL*

(31 U.S.C. §3730(b)(2))

MARK OSBORN, M.D., JIM )  
THOMPSON, MIKE SEXTON, )  
VIRGIL JURGENSMAYER, CHRIS )  
WHITE, CWF ENTERPRISES, INC., )  
JACK DALRYMPLE, P.E., MIAMI )  
ENGINEERING SERVICE, LLC, )  
VISION CONSTRUCTION and )  
PROJECT MANAGEMENT, INC. )

Defendants. )

**THE GOVERNMENT'S NOTICE OF ELECTION TO  
DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. ' 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. ' 3730(b)(1), which allows the Relator to maintain the action in the name of the United States; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." *Id.* Therefore, the United States requests that, should either the Relator or

the Defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. ' 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the Relator=s action or claim. The United States also requests that it be served with all notices of appeal.

Finally, the Government requests that the Relator's Complaint, this Notice, and the proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

Respectfully submitted,

SANFORD C. COATS  
United States Attorney

s// Ronald R. Gallegos

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Assistant United States Attorney  
Bar Number: 013227 AZ  
United States Attorney's Office  
210 Park Avenue, Suite 400  
Oklahoma City, OK 73102  
Telephone: (405) 553-8844  
Facsimile: (405) 553-8885  
Ron.gallegos@usdoj.gov

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,  
*ex rel.* BILLY FREEMAN, JR. and  
JOE CRAWFORD,

Plaintiffs,

v.

MARK OSBORN, M.D., JIM  
THOMPSON, MIKE SEXTON,  
VIRGIL JURGENSMAYER, CHRIS  
WHITE, CWF ENTERPRISES, INC.,  
JACK DALRYMPLE, P.E., MIAMI  
ENGINEERING SERVICE, LLC,  
VISION CONSTRUCTION and  
PROJECT MANAGEMENT, INC.

Defendants.

**FILED**

MAR 5 2013

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OKLA.  
By                      DEPUTY

CIV-12-462-R

FILED IN CAMERA

AND UNDER SEAL

(31 U.S.C. §3730(b)(2))

ORDER

The United States having declined to intervene in this action pursuant to the False Claims Act, 31 U.S.C. ' 3730(b)(4)(B), the Court rules as follows:

IT IS ORDERED that,

1. The Complaint be unsealed and served upon the Defendants by the Relator;
2. All other contents of the Court's file in this action remain under seal and are not to be made public or served upon the Defendants, except for this Order and the

Government's Notice of Election to Decline Intervention, which the Relator will serve upon the Defendants only after service of the Complaint;

3. The seal be lifted as to all other matters occurring in this action after the date of this Order;

4. The parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C. ' 3730(c)(3). The United States may order any deposition transcripts and is entitled to intervene in this action, for good cause, at any time;

5. The parties shall serve all notices of appeal upon the United States;

6. All orders of this Court shall be sent to the United States; and that

7. Should the Relator or the Defendants propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval.

IT IS SO ORDERED,

This 5<sup>th</sup> day of March, 2013.

  
United States District Judge



## Appointment

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**From:** Stewart, Lakita [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=78DE6A36D53145AF9FA1D74DCD1B753E-LSTEWA03]  
**Sent:** 8/8/2017 3:29:11 PM  
**To:** Nishida, Jane [Nishida.Jane@epa.gov]; Wright, Felicia [Wright.Felicia@epa.gov]; Greenwalt, Sarah [greenwalt.sarah@epa.gov]; Benjamin, Kent [Benjamin.Kent@epa.gov]; Snyder, Jessica [Snyder.Jessica@epa.gov]; Brooks, Becky [Brooks.Becky@epa.gov]; Gee, Randy [Gee.Randy@epa.gov]; Blanco, Arturo [Blanco.Arturo@epa.gov]; Meyer, John [Meyer.John@epa.gov]; Shapiro, Mike [Shapiro.Mike@epa.gov]; Gude, Karen [Gude.Karen@epa.gov]; Roose, Rebecca [Roose.Rebecca@epa.gov]; Besougloff, Jeff [Besougloff.Jeff@epa.gov]; Grayson, Treda [Grayson.Treda@epa.gov]; Chang, Elle [chang.elle@epa.gov]; Kelly, Albert [kelly.albert@epa.gov]  
**CC:** Edlund, Carl [Edlund.Carl@epa.gov]; Hill, Teresa [Hill.Teresa@epa.gov]; Breen, Barry [Breen.Barry@epa.gov]; Falvo, Nicholas [falvo.nicholas@epa.gov]; Woolford, James [Woolford.James@epa.gov]; Stalcup, Dana [Stalcup.Dana@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Clark, Becki [Clark.Beki@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Dailey, Anne [Dailey.Anne@epa.gov]; Poore, Christine [Poore.Christine@epa.gov]; Phillips, Pam [phillips.pam@epa.gov]; Smith, Rhonda [smith.rhonda@epa.gov]; Bokun, Lisa [Bokun.Lisa@epa.gov]; Wang, Jonathan [Wang.Jonathan@epa.gov]; Gray, David [Gray.David@epa.gov]; Taheri, Diane [Taheri.Diane@epa.gov]; Gervais, Gregory [Gervais.Gregory@epa.gov]  
**Subject:** Tribal Lands & Environment Forum (TLEF) Briefing  
**Attachments:** EPA AIEO presentation senior leadership (2017-7) Final.pptx; 8817TLEF Background Documents OWOLEMR6 and Hot Sites Final.docx; 8817TLEF Briefing Material - Background on Tar Creek.docx  
**Location:** International Conference Room, RRB 3rd Floor, #31203  
**Start:** 8/8/2017 7:00:00 PM  
**End:** 8/8/2017 8:00:00 PM  
**Show Time As:** Busy

**Call-In:** Ex. 6 - Personal Privacy **Access Code:** Ex. 6 - Personal Privacy

## Agenda

1. Tribal Program Overview
2. Tar Creek Tour
3. Tribal Dinner
4. TLEF Opening Plenary

**To:** Kelly, Albert[kelly.albert@epa.gov]  
**From:** Edlund, Carl  
**Sent:** Tue 1/30/2018 6:19:21 PM  
**Subject:** Some Interesting R6 Superfund Items  
[Daily News Digest 01302018.pdf](#)  
[ATT00001.htm](#)

- #10. San Jacinto- PRP's funded citizens group (John Meyer to head a public meeting in Galveston tonight at the request of members of that group)
- #2. Tar Creek- risk assessment aimed at uses of the environment
- #1. Camp Minden- Burn chamber stuck on site.

Sent from my iPad

Begin forwarded message:

**From:** "Hubbard, Joseph" <[Hubbard.Joseph@epa.gov](mailto:Hubbard.Joseph@epa.gov)>  
**To:** "R6Press" <[R6Press@epa.gov](mailto:R6Press@epa.gov)>  
**Subject:** Daily News Digest, Tuesday, Jan. 30

**1 — More questions over the future of the Camp Minden burn chamber, KTBS, 1/29/18**

[https://www.ktbs.com/news/arklatex-indepth/more-questions-over-the-future-of-the-camp-minden-burn/article\\_64e58c2c-05c7-11e8-a329-472c9a69530b.html](https://www.ktbs.com/news/arklatex-indepth/more-questions-over-the-future-of-the-camp-minden-burn/article_64e58c2c-05c7-11e8-a329-472c9a69530b.html)

Its mission was completed almost 10 months ago, but the contained burn chamber at Camp Minden that successfully destroyed millions of pounds of dangerous explosives has been idle since then. Many had hoped it would be gone by now, but it looks like it may take many more months before that happens. The state of Louisiana, as owner of the burn chamber, offered the multi-million dollar chamber for bid last fall, interest wasn't that high.

**2 — EPA surveys Oklahoma residents near polluted site, Seattle Times, 1/29/18**

<https://www.seattletimes.com/nation-world/epa-surveys-oklahoma-residents-near-polluted-site/>

The U.S. Environmental Protection Agency is asking residents near a polluted site in northeast Oklahoma how much fish they eat and how often they wade in the local waters.

Two surveys were administered by the EPA's Technical Assistance for Communities to residents of areas near the Tar Creek Superfund site, the Tulsa World reported. They ask residents to gauge the accuracy of certain statements and offer comments for improvements.

### **3 — NCC following regulatory issues affecting cotton, Delta Farm Press, 1/29/18**

<http://www.deltafarmpress.com/cotton/ncc-following-regulatory-issues-affecting-cotton>

Dicamba, pollinators, pesticide reregistration, worker protection, glyphosate evaluation, endangered species and online pesticide labels are all issues that bear watching by farmers and consultants in coming months, according to a National Cotton Council spokesman. Don Parker, NCC manager for integrated pest management, offered an update on regulatory issues during the Crop Consultant's Conference, the opening session for the 2018 Beltwide Cotton Conferences held in early January in San Antonio, Texas.

### **4 — EPA supports state revisions on haze rule; utilities still plan to reduce nitrogen-oxide emissions, Ark. Democrat Gazette, 1/30/18**

<http://newsok.com/epa-rejects-part-of-arkansas-anti-haze-plan-it-had-set/article/feed/1694245>

The U.S. Environmental Protection Agency has approved Arkansas' plan to implement part of a federal rule designed to enhance visibility in national wilderness areas, the agency announced Monday, but it won't change utilities' plans for complying with the rule. The agency approved the Arkansas Department of Environmental Quality's plan to reduce nitrogen-oxide emissions in the state, which is among the less contentious portions of the Regional Haze Rule.

### **5 — EPA rejects part of Arkansas anti-haze plan it had set, Oklahoman, 1/29/18**

<http://newsok.com/epa-rejects-part-of-arkansas-anti-haze-plan-it-had-set/article/feed/1694245>

Federal regulators said Monday they will let Arkansas enforce a portion of its own haze-reduction program, prompting criticism from environmentalists who say the plan is too weak. The U.S. Environmental Protection Agency approved Arkansas' proposal for reducing nitrogen oxide, which with sulfur dioxide contributes to haze. Additional parts of the state's haze-reduction plan are still under review.

**6 — C and H Hog Farm owner defends operation, says Buffalo River unharmed, Ark. Times, 1/29/18**

<https://m.arktimes.com/ArkansasBlog/archives/2018/01/29/c-and-h-hog-farm-owner-defends-operation-says-buffalo-river-unharmed>

KOLR-10 TV in Springfield/Branson landed a rare interview with Jason Henson, co-owner of the C and H Hog Farm in Mount Judea, which is fighting to keep a permit for its factory hog feeding operation near a major tributary of the Buffalo River. Henson says science is on his side — that the operation is not endangering the Buffalo River.

**7 — MIKE MASTERSON: Arkansas' top attraction, Ark. Democrat Gazette, 1/30/18**

<http://www.arkansasonline.com/news/2018/jan/30/good-and-bad-20180130/>

First, some good news. A USA Today readers' poll has just named our Buffalo National River, the country's first to be so designated, as the state's best in its list of "Top Ten Arkansas Attractions." That's not surprising since nearly 1.8 million visitors came to enjoy our national treasure in 2016, sharing some \$78 million with related businesses and area communities. Now, the bad news. The very same 154-mile-long Buffalo was named in a 2017 report by the American National Rivers advocacy group as among the country's "Most Endangered Rivers."

**8 — Governor attends opening of new coastal laboratory, Times Picayune, 1/30/18**

[http://www.nola.com/environment/index.ssf/2018/01/governor\\_attends\\_opening\\_of\\_ne.html#incart\\_river\\_ind](http://www.nola.com/environment/index.ssf/2018/01/governor_attends_opening_of_ne.html#incart_river_ind)

Gov. John Bel Edwards attended the opening of Louisiana State University's new coastal laboratory Monday (Jan. 29.) The Center for Coastal Studies will be used to test the viability of restoration projects to address the state's alarming rate of coastal land loss.

**9 — Bayou Bridge Pipeline's controversial construction begins, Times Picayune, 1/29/18**

[http://www.nola.com/environment/index.ssf/2018/01/bayou\\_bridge\\_pipeline\\_construc.html](http://www.nola.com/environment/index.ssf/2018/01/bayou_bridge_pipeline_construc.html)

Construction of the controversial Bayou Bridge oil pipeline has begun at multiple sites on its 163-mile route from St. James Parish to Lake Charles. Energy Transfer, the parent company of the pipeline announced last week that it recently finished a two-year permitting

process and immediately set to work. The company declined to provide specifics about construction sites or the timing of construction. The pipeline would eventually connect with the controversial Dakota Access pipeline carrying Bakken oil from North Dakota.

#### **10 — Company Tasked With Superfund Cleanup Quietly Supported Groups Opposing The EPA's Plan, KUHT, 1/26/18**

<https://www.houstonpublicmedia.org/articles/news/2018/01/26/264230/company-tasked-with-superfund-cleanup-quietly-supported-groups-opposing-the-epas-plan/>

A few months ago, the Environmental Protection Agency finalized a plan to clean up a contaminated Houston-area Superfund site. The companies footing the \$115 million bill have opposed the plan, and it's now come to light that one of them also quietly helped local citizen groups organize against it. The details of that relationship are still murky.

#### **11 — FIVE MONTHS AFTER HARVEY, PORT ARANSAS IS STILL REBUILDING, BUT WITH AN EYE TOWARD TOURISTS, 1/29/18**

<http://www.texasstandard.org/stories/categories/energy-environment/>

Monday marks five months since Hurricane Harvey hit Port Aransas, and while there's been real progress on the cleanup, the island town still has a ways to go. Just a few days after the storm, home inspector James Pate was optimistic about his hometown's future.

#### **12 — LSU unveils massive Mississippi River model expected to be major tool in coastal restoration projects, Advocate, 1/29/18**

[http://www.theadvocate.com/baton\\_rouge/news/environment/article\\_6fb92efa-053c-11e8-b8e1-7739a27fed2d.html](http://www.theadvocate.com/baton_rouge/news/environment/article_6fb92efa-053c-11e8-b8e1-7739a27fed2d.html)

From their second-story vantage point, the governor and a fleet of scientists, politicians and philanthropists peered down at a basketball court-sized model of southeast Louisiana. In the top left corner is Donaldsonville, with the Mississippi River winding past the groves of diversion canals to the Bird's Foot Delta on the opposite corner, the real-life equivalent to 178 miles on the river, said LSU president F. King Alexander.

#### **13 — Solar industry in Arkansas weighs tariff's effects, Ark. Democrat, 1/29/18**

<http://www.arkansasonline.com/news/2018/jan/30/solar-industry-arkansas-weighs-tariffs-effects/>

A new tariff on imported solar products is expected to raise the price of solar projects in the United States and potentially curb demand, but shouldn't prevent solar power from continuing its fast-paced growth, solar officials in Arkansas said last week. President Donald Trump's administration early last week instituted an import tariff of up to 30 percent on solar power equipment that is manufactured abroad. The tariff will decline over time and last only four years.

**14 — Solar industry in Arkansas weighs tariff's effects, Arkansas Democrat-Gazette, 1/28/18**

<http://www.arkansasonline.com/news/2018/jan/29/solar-industry-in-state-weighs-tariffs/?f=latest>

A new tariff on imported solar products is expected to raise the price of solar projects in the United States and potentially curb demand, but shouldn't prevent solar power from continuing its fast-paced growth, solar officials in Arkansas said last week

## Appointment

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**From:** Woolford, James [Woolford.James@epa.gov]  
**Sent:** 6/27/2018 1:25:17 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]; Darwin, Veronica [darwin.veronica@epa.gov]  
**Subject:** Tar Creek  
**Location:** 5621 call in: **Ex. 6 - Personal Privacy**  
**Start:** 6/29/2018 5:00:00 PM  
**End:** 6/29/2018 5:45:00 PM  
**Show Time As:** Tentative

Follow-up discussion to Tuesday's call. Please forward invite as appropriate.

POC: Lois Gartner, **Ex. 6 - Personal Privacy**

Message

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**From:** John Berrey [Ex. 6 - Personal Privacy]@ogahpah.com]  
**Sent:** 4/2/2018 7:41:47 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**CC:** [Ex. 6 - Personal Privacy]@quapawtribe.com  
**Subject:** Ril and Wetlands  
**Attachments:** WHITE PAPER Rail Markets 4.2.18[1].pdf; WHITE PAPER Wetlands 4.2.18[1].pdf

Kel,  
Here are some thoughts for Tar Creek. We are working on a WIFIA application for Arkansas as we speak.

John L Berrey  
Chairman Quapaw Tribe Business Committee  
Downstream Development Authority



# QUAPAW TRIBE OF OKLAHOMA

P.O. Box 765  
Quapaw, OK 74363-0765

(918) 542-1853  
FAX (918) 542-4694

## WHITE PAPER: POTENTIAL RAIL MARKETS for the REMAINDER OF MARKETABLE CHAT AT THE TAR CREEK SUPERFUND SITE

The mine waste (locally known as "chat") at the Tar Creek Superfund site is currently being used commercially for production of asphaltic concrete used in the construction of roads. This has been approved under Superfund through the publication of the "Chat Rule" in the Federal Register in 2007. Using chat for the construction of roads reduces the waste EPA must remediate as part of the Tar Creek cleanup. This significantly reduces costs of disposing chat in large repositories and subsequent perpetual monitoring of those repositories. Currently, due to transportation costs, the market for chat extends only within a radius of less than 150 miles from the Tar Creek site. In order to facilitate enhanced environmentally safe commercial use of chat, it will be necessary to significantly broaden the market area. The obvious method for broadening the market would be to identify markets that can be readily accessed by railroad lines (there are main regional railroad lines within close proximity to the Tar Creek site). This would allow large quantities of chat to be transported away from the Tar Creek site and ultimately used for much needed infrastructure projects in other parts of the country.

To further enhance the marketability of chat, the Quapaw Tribe (under a separate White Paper) has proposed consolidating ownership of most of the remainder of the chat at the Tar Creek site. This would allow one owner to negotiate the sale and rail transportation of large quantities of chat to distant markets.

In 2008, and subsequent to the lifting of DOI's moratorium on the sale of tribal chat, the Quapaw Tribe commissioned a marketing study that identified markets for chat. This study identified some markets that could be accessed by rail lines. However, the study was somewhat limited to local markets and did not consider ownership consolidation. In order to investigate the potential for moving large quantities of chat by rail, and thereby shortening and greatly reducing the cost of the cleanup at Tar Creek, the Quapaw Tribe proposes updating and expanding this marketing study to focus on markets accessible by regional and national railroad networks. The results of study would also determine the economic viability of rehabilitating an existing abandoned railroad spur that extends into the core of the Tar Creek site. The 2008 study was conducted for less than \$80,000; it is estimated that this study, or a separate independent study could be conducted for **\$100,000 to \$150,000**.

Of course, any purchaser of chat would be required to comply with all Superfund regulations regarding the transportation, storage, and ultimate disposition of chat; but transporting large quantities of chat away from Tar Creek by rail has the potential to be the most significant factor in reducing the duration and cost of cleanup.



# QUAPAW TRIBE OF OKLAHOMA

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## **WHITE PAPER: WATER QUALITY AND SEDIMENT IMPROVEMENT ALONG TAR CREEK NEAR DOUTHAT BRIDGE OF TAR CREEK SUPERFUND SITE**

Impaired water quality and sediment has plagued the Quapaw Tribe and downstream users of Tar Creek for decades, and without a near-term strategy to improve these conditions, users will continue to be plagued for years. The Quapaw Tribe is proposing the construction of varying dynamics within and adjacent to Tar Creek near the Douthat Bridge area (along East County Road 40) of the Tar Creek Superfund Site.

Acid mine drainage, originating from the flooded mine workings in the vicinity of Tar Creek near the Douthat Bridge area, is discharging to the surface as evidenced by iron staining in the stream, ground surface and vegetation. This impairment of Tar Creek and its tributaries compounds through erosion of mine spoil (chat) adjacent to the stream channel, seepage from the chat piles and the elimination of aquatic habitat caused by the channelization of the streams completed during the active mining period. The periodic flushing of accumulated iron hydroxides occurs during storm events when the streams over flow their banks and wash across areas impacted by the acid mine drainage.

The Quapaw Tribe envisions the following sequence of construction events to improve water and sediment quality along Tar Creek in the vicinity of Douthat Bridge:

1. Relocate portions of Tar and Lytle Creek to minimize their contact with chat and acid mine drainage water in the area near Douthat Bridge of Tar Creek.
2. Add erosion and sediment controls to chat piles and other areas along a relocated Tar and Lytle Creek.
3. Construct earthen berms or other structures to isolate the acid mine drainage water and redirect to a series of passive treatment wetlands (similar to several already implemented by the University of Oklahoma). The concept behind the berms and other structures would be to prevent the mixing of iron-laden water with surface waters during both base flow and storm (high-flow) conditions.

Stream relocations would be designed using Natural Channel Design methods to restore stable channels and ecological functions using parameters derived from fluvial geomorphology and stable reference streams. The objective is to create stable, functional stream ecosystems with improved water quality that promote the repopulation of macroinvertebrate and fish populations.

The construction of the earthen berms or other structures would additionally increase the portion of the mine voids inundated and a corresponding decrease in the rate of oxidation of iron-laden water, as well as create a hydraulic head to allow gravity flow of acid mine drainage water to passive treatment wetlands.

An initial evaluation to be able to better scope out this concept would cost approximately **\$300,000**, which includes review of existing data, and data gap filling (site foundation conditions for construction, test soils to establish suitability for construction materials, quantify surface and ground water quality, hydraulics and quantity conditions).

This white paper has been conceptualized and developed by the Quapaw Tribe of Oklahoma and its Environmental Department. We look forward to continuing discussions of this white paper and finding a path to materialize the concepts set forth in this document.

Dated: April 2, 2018

A handwritten signature in black ink, appearing to read "John Berry". The signature is fluid and cursive, with a large initial "J" and a stylized "B".

Message

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**From:** Chancellor, Erin [chancellor.erin@epa.gov]  
**Sent:** 2/26/2018 1:14:13 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**Subject:** RE: Tar Creek  
**Attachments:** 2018.02.20 - Tar Creek Mtg Recap for AK.DOCX; Blake Atkins - EPA Region 6; Steve Gilbert - Miami Regional Chamber of Commerce; Earl L. Hatley - L.E.A.D. Agency, Inc.; Rebecca Jim - L.E.A.D. Agency, Inc.; Tim Kent - Quapaw Tribe of Oklahoma; Craig A. Kreman - Quapaw Tribe of Oklahoma; Dean Kruithof - City of Miami; Martin Lively - NEO A&M College; Rhonda L. Loftin - U.S. DOI Bureau of Indian Affairs; Tommy Long - City of Commerce; Kelda Lorax - Divine Earth Gardening Project; Casey Luckett Snyder - EPA Region 6; Ramsey Mauldin - Oklahoma Department of Environmental Quality; Chris Robinson - Miami Dental Care

Attached is the summary with attendees, as well as some contact cards if you want them.

Erin E. Chancellor

-----Original Message-----

From: Chancellor, Erin  
Sent: Sunday, February 25, 2018 6:31 PM  
To: Kelly, Albert <kelly.albert@epa.gov>  
Subject: Re: Tar Creek

I cannot figure out why, but my Outlook won't open on my laptop. Keeps saying I need login credentials. Hopefully when I hook it up to the docking station in the AM, it will work and I can send (almost done with it). Also, have an email drafted introducing Rebecca and Tim Epp to send in the morning. Talked to Tim about it on Friday so he's expecting it.

Erin E. Chancellor

> On Feb 25, 2018, at 5:51 PM, Kelly, Albert <kelly.albert@epa.gov> wrote:  
>  
> Do you have names, numbers and summary yet?  
>  
> Sent from my iPad

**Tar Creek Superfund Site Meetings**  
Miami, OK – Tuesday, February 20, 2018

**L.E.A.D. Agency Meeting – 9:00a-11:15a**

- Meeting Attendees
  - L.E.A.D. Agency Invitees
    - Rebecca Jim, L.E.A.D. Agency, Executive Director & Founder
    - Earl L. Hatley, L.E.A.D. Agency, Grand Riverkeeper
    - Martin Lively, NEO A&M College, Adjunct Professor
    - Chris Robinson, DDS, Miami Dental Care, Dentist in Miami
    - Amanda Burnett, Ottawa County Health Department (Oklahoma Department of Health), Registered Nurse
    - Keesha Bunch, Ottawa County Health Department (Oklahoma Department of Health) (100% of cases focused on lead)
    - Kelli Hall, Local parent of child with high lead levels
    - Jill Micka, Long-time Miami resident with health issues
    - Kelda Lorax, Divine Earth Gardening Project, Founder/Owner (on the L.E.A.D. Agency Board)
    - Shirley Chesnut, D.O., Northeast Tribal Health System, Physician
    - John “Michael” Scruggs, L.E.A.D. Agency
    - On Agenda, did not come: Karen Fields & Jordan Barlow
  - U.S. EPA: Ken Wagner & Erin Chancellor
- Rebecca Jim
  - Issues:
    - The original contractor, Morrison-Knudsen, says that they had a lot of problems. They used dirt from the removal as fill dirt. Then they used clay as fill instead of dirt under some of the houses, so now they have mold. No one is rechecking these houses.
    - There are 40 houses on the list, says that there is not enough money for the design work.
    - J-M Farms, Inc. is a mushroom farmer and J-M compost is being used in OU4. Says that there is mold in the compost that affects lungs.
    - Says that Tracker Marine in Commerce puts out styrene.
    - Says that all of this together creates acid rain.
    - No barriers/markers/signs around the chat.
    - There is supposedly some gene that makes people more susceptible to retaining metals.
  - Ask: Someone needs to buy the chat immediately in mass, pay tribal owners, and get rid of the chat, not put it into reuse.
- Earl Hatley
  - Issues:
    - In Tar Creek, says that there is the equivalent of the Animas River spill every 3 days since 1979.
    - There is a fish consumption warning for lead, but not testing for other metals.
    - No warning signs at mill ponds.
    - Does not think that the municipality’s ideas are feasible.

**Tar Creek Superfund Site Meetings**  
Miami, OK – Tuesday, February 20, 2018

- Ask: Institute one of the original remedies that was not chosen, the wastewater treatment plant, and then channelize the river.
- Martin Lively
  - Issues: Hard to retain talented people in Miami due to the health issues associated with the area. Hard to bring in businesses.
  - Ask: Wants the EPA to work with ODEQ to give the City the tools they need to create an environment that would bring people & businesses to Miami.
- Chris Robinson
  - Issue: City needs assistance/commitment from the EPA to remediate the site, because he says that lead and zinc exposure are causing irreversible neurological affects.
  - Ask: Remediate the source, get rid of the chat, and do not use the chat as a commercial product.
- Amanda Burnett
  - Issue: Have seen a child with lead levels over 20. Chat is being used in foundations, schools, playgrounds, etc.
  - Ask: Clean up the site, get rid of the chat piles, but do not use commercially.
- Keesha Bunch
  - Issue: There are high enough lead levels being seen in the area that there is a dedicated nurse for lead issues.
  - Ask: Clean up the site, but not just Picher. Remediate the entire area. More funding for lead issues.
- Kelli Hall
  - Issue: Daughter has normal levels, but her son has high levels of lead (12.9 at one point).
  - Ask: Clean up the site and get rid of the chat piles.
- Jill Micka
  - Issue: Has a lot of health issues that she attributes to the area.
  - Ask: Work with Miami businesses and have those business use good environmental practices. Get the Tar Creek site resolved and the chat piles removed.
- Kelda Lorax
  - Issue: Food testing in the county is not widespread, and some farmers don't want to test their soil because they don't want to have to deal with the results.
  - Ask: Put a lid on the issue by getting rid of the chat piles. Wants more farmers/gardeners to know about the free soil testing the county offers.
- Dr. Shirley Chesnut
  - Issue: She has seen more cancer, ADHD, dialysis, and mental health issues in the area. The dust from the chat piles is a huge issue. Lead levels in adults are double the average, and 3 out of 4 kids have high lead levels.
  - Ask: Get rid of the chat piles that blow into the watershed.
- Michael Scruggs
  - Issue: Multiple health issues, and he attributes them to lead exposure.
  - Ask: Get rid of the chat piles.

**Tar Creek Superfund Site Meetings**  
Miami, OK – Tuesday, February 20, 2018

**Municipality Meeting – 1:15p-2:45p**

- Meeting Attendees
  - Municipality Representatives
    - Dean Kruithof, Miami City Manager
    - Kristi McClain, Miami Community & Economic Development Director
    - Steve Gilbert, Miami Regional Chamber of Commerce, President & CEO
    - Tommy Long, City of Commerce, City Administrator
  - Oklahoma Department of Environmental Quality (ODEQ) Representatives
    - Brian Stanilla, Tar Creek Project Manager for OU2 & OU5
    - Zach Paden
    - Ramsey Mauldin, Environmental Programs Specialist, Land Protection Division, Site Cleanup Assistance Program, Tar Creek RPM (OU2) (also works on blood lead grant matters)
  - EPA Region 6
    - Casey Luckett Snyder, Superfund Reuse & Redevelopment Coordinator; Tar Creek RPM, Superfund Division
    - Blake Atkins, Acting Associate Director, Superfund Division (while John Meyer is on detail at U.S. EPA); Chief, LA/NM/OK Remediation Section, Superfund Division
  - U.S. EPA: Ken Wagner & Erin Chancellor
- Core area of the TCSF is around Picher. Chat piles can be seen from road and aerial view.
- The 1997 OU2 ROD is less of a defined area, and it includes anywhere there is chat on the site. The intention of the OU2 ROD is to clean up residences to residential standards, commercial properties are not expressly included in OU2.
- Potential acquisition of commercial property and inactive rail spur, both part of the Tark Creek SF site.
  - The rail spur curves around the Miami Convention Center, up through a Miami neighborhood, and into North Miami. It runs past two industrial facilities (Hopkins Manufacturing & Scepter Manufacturing).
    - Spur also branches off to the B.F. Goodrich property. This is a Brownfield-eligible site that has been closed since ~1986. It's ~80 acres.
  - Rail spur is currently owned by BNSF. It has been dormant since ~2009. BNSF has expressed interest to the City of Miami in gifting the rail spur to Miami.
    - Miami has some reservations about taking ownership and CERCLA laws regarding owners of Superfund sites.
    - BNSF was one considered a PRP, but the EPA has not named them as a PRP for cost recovery or fulfillment of the ROD purposes.
  - The inactive rail spur is covered in OU4.
  - Flintrock has expressed interest in using the rail spur to move washed chat.
  - Considering the old Steel Craft building to be used as a transfer station.
  - Would need a short line rail operator to come in.
  - Issues:

**Tar Creek Superfund Site Meetings**  
Miami, OK – Tuesday, February 20, 2018

- Need City Council on board.
- Need to properly remediate the area.
- There will be increased truck traffic and train noise.

**Quapaw Tribe of Oklahoma (QTO) Meeting – 3p-4:30p**

- Meeting Attendees
  - QTO Representatives
    - Tim Kent, Environmental Director
    - Chris Roper, Director
    - Craig Kreman, Assistant Environmental Director
    - Eddie “Ed” Rodgers, Assistant Director
    - Will Rodgers
    - Trenton Stand, Realty Director
    - Misty Scott, Realty Specialist
  - Bureau of Indian Affairs Representatives
    - Rhonda Loftin, Deputy Superintendent
    - Sammy Beats
    - Laura Knight Palmer
  - EPA Region 6: Casey Luckett Snyder & Blake Atkins
  - U.S. EPA: Ken Wagner & Erin Chancellor
- QTO wants to create some soil amendments to the ROD to enable the use of the topsoil, which is very valuable in Ottawa County.
  - Want to figure out how to clean up the sites but reuse the topsoil. They would like to cleanup a site, then that site could immediately be used for agricultural use.
  - The current ROD requires cleanup to residential standards, so leaving any contamination behind would not be fulfilling the ROD and therefore require an amendment.
  - Current ROD also doesn’t allow backfill.
- The issue here is the need for ICs, which BIA considers an encumbrance on federally owned property, but ICs are required to ensure long-term protection of the remedy.
  - ODEQ has been filing deed restrictions (mainly restrictive covenants) with the deeds in the counties, but BIA would need to file any ICs with their internal Land Title Records Office (LTRO).
  - BIA will not do any ICs without tribal permission. QTO doesn’t necessarily see this as an issue. So far, the tribal landowners are happy to sign so that they can keep the topsoil and start using their land for agriculture. BIA has sent the proposal to their solicitor’s office.
  - Could do an OU4 ROD amendment for the soil to not be cleaned up to residential standards. Would open up the ROD, so would there be anything else to amend?
- Next steps:
  - QTO get to U.S. EPA 5 practical scenarios that they want to see happen.
  - Get BIA’s solicitor’s office in touch with U.S. EPA’s OGC so we can start hammering this out. Include EPA R6 counsel.



## Contact

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**Full Name:** Blake Atkins  
**Last Name:** Atkins  
**First Name:** Blake  
**Company:** EPA Region 6

**Business Address:** 1445 Ross Avenue MC 6SF-RL, Ste. 1200, Room 10A.011 Dallas, TX 75202-2733

**Business Phone:** (214) 665-2297

**Phone:**

**Mobile Phone:** Ex. 6 - Personal Privacy

**Fax Number:** (214) 665-2191

**E-mail:** Atkins.Blake@epa.gov

Tar Creek Site Tour 2/20/18.

## Contact

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**Full Name:** Casey Lockett Snyder  
**Last Name:** Lockett Snyder  
**First Name:** Casey  
**Company:** EPA Region 6

**Business Address:** 1445 Ross Avenue MC 6SF-RL, Suite 1200, Room 10.041 Dallas, Texas 75202-2733

**Business Phone:** (214) 665-7393  
**Fax Number:** (214) 665-6660

**E-mail:** Lockett.Casey@epa.gov

Tar Creek Site Tour 2/20/18.

## Contact

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**Full Name:** Chris Robinson DDS  
**Last Name:** Robinson  
**First Name:** Chris  
**Company:** Miami Dental Care

**Business** Ex. 6 - Personal Privacy  
**Phone:**

**Web Page:** [www.miamidentalcare.com](http://www.miamidentalcare.com)

**E-mail:** Ex. 6 - Personal Privacy@miamidentalcare.com

Met at 2/20/18 Tar Creek L.E.A.D. meeting.

## Contact

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**Full Name:** Craig A. Kreman E.I.  
**Last Name:** Kreman  
**Middle Name:** A.  
**First Name:** Craig  
**Company:** Quapaw Tribe of Oklahoma

**Business Address:** Ex. 6 - Personal Privacy

**Business Phone:** Ex. 6 - Personal Privacy  
**Mobile Phone:**  
**Fax Number:**

**Web Page:** [www.quapawtribe.com](http://www.quapawtribe.com)

**E-mail:** Ex. 6 - Personal Privacy@quapawtribe.com

Met at 2/20/18 Tar Creek meeting.

## Contact

---

**Full Name:** Dean Kruithof  
**Last Name:** Kruithof  
**First Name:** Dean  
**Company:** City of Miami

**Business  
Address:**

**Ex. 6 - Personal Privacy**

**Business**

**Phone:**

**Fax Number:**

Ex. 6 - Personal Privacy

**E-mail:**

Ex. 6 - Personal Privacy miamiokla.net

Met at 2/20/18 Tar Creek municipalities meeting.

## Contact

---

**Full Name:** Earl L. Hatley  
**Last Name:** Hatley  
**Middle Name:** L.  
**First Name:** Earl  
**Company:** L.E.A.D. Agency, Inc.

**Business** Ex. 6 - Personal Privacy  
**Phone:**

**Web Page:** [www.leadagency.org](http://www.leadagency.org)

**E-mail:** Ex. 6 - Personal Privacy@neok.com

Met at 2/20/18 Tar Creek meeting.

## Contact

---

**Full Name:** Kelda Lorax  
**Last Name:** Lorax  
**First Name:** Kelda  
**Company:** Divine Earth Gardening Project

### Business

**Phone:**   
**Mobile Phone:**

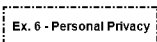
**E-mail:** @gmail.com

Met at 2/20/18 Tar Creek L.E.A.D. meeting. On L.E.A.D. Agency board.

## Contact

---

**Full Name:** Martin Lively  
**Last Name:** Lively  
**First Name:** Martin  
**Company:** NEO A&M College

**E-mail:** @neo.edu

Met at 2/20/18 Tar Creek L.E.A.D. meeting.



## Contact

---

**Full Name:** Ramsey Mauldin  
**Last Name:** Mauldin  
**First Name:** Ramsey  
**Company:** Oklahoma Department of Environmental Quality

**Business Address:** 707 North Robinson P.O. Box 1677 Oklahoma City, OK 73101-1677

**Business Phone:** (405) 702-5129  
**Fax Number:** (405) 702-5101

**Web Page:** [www.deq.ok.gov](http://www.deq.ok.gov)

**E-mail:** [Ramsey.Mauldin@deq.ok.gov](mailto:Ramsey.Mauldin@deq.ok.gov)

Met at 2/20/18 Tar Creek municipalities meeting. Tar Creek SF Site RPM for OU2. Also works on blood lead grant matters.

## Contact

---

**Full Name:** Rebecca Jim  
**Last Name:** Jim  
**First Name:** Rebecca  
**Company:** L.E.A.D. Agency, Inc.

**Business** ☐ Ex. 6 - Personal Privacy  
**Phone:**

**Web Page:** [www.leadagency.org](http://www.leadagency.org)

**E-mail:** ☐ Ex. 6 - Personal Privacy @neok.com

Met at 2/20/18 Tar Creek meeting.

## Contact

---

**Full Name:** Rhonda L. Loftin  
**Last Name:** Loftin  
**Middle Name:** L.  
**First Name:** Rhonda  
**Company:** U.S. DOI Bureau of Indian Affairs

**Business Address:** 34 A Street, NE P.O. Box 391 Miami, OK 74354

**Business Phone:** (918) 542-3396  
**Fax Number:** (918) 542-7202

**Web Page:** [www.bia.gov](http://www.bia.gov)

**E-mail:** [rhonda.loftin@bia.gov](mailto:rhonda.loftin@bia.gov)

Met at 2/20/18 Tar Creek Quapaw Tribe meeting.

## Contact

---

**Full Name:** Steve Gilbert  
**Last Name:** Gilbert  
**First Name:** Steve  
**Company:** Miami Regional Chamber of Commerce

**Business  
Address:**

**Ex. 6 - Personal Privacy**

**Business**

**Phone:**

**Mobile Phone:**

Ex. 6 - Personal Privacy

**Web Page:** [www.miami-ok.org](http://www.miami-ok.org)

**E-mail:**

Ex. 6 - Personal Privacy

@miami-ok.org

Met at 2/20/18 Tar Creek municipalities meeting.

## Contact

---

**Full Name:** Tim Kent P.G.  
**Last Name:** Kent  
**First Name:** Tim  
**Company:** Quapaw Tribe of Oklahoma

**Business Address:** P.O. Box 74363 Quapaw, OK 74363 United States

**Business Phone:**  
**Fax Number:**



**Web Page:** [www.quapawtribe.com](http://www.quapawtribe.com)

**E-mail:** @quapawtribe.com

Met at 2/20/18 Tar Creek meeting.

## Contact

---

**Full Name:** Tommy Long  
**Last Name:** Long  
**First Name:** Tommy  
**Company:** City of Commerce

**Business Address:**

Ex. 6 - Personal Privacy

**Business Phone:**  
**Mobile Phone:**  
**Fax Number:**

Ex. 6 - Personal Privacy

**Web Page:** [www.commerceokla.com](http://www.commerceokla.com)

**E-mail:**

Ex. 6 - Personal Privacy

@commerceokla.com

Met at 2/20/18 Tar Creek municipalities meeting.

## Appointment

---

**From:** Stewart, Lakita [Stewart.Lakita@epa.gov]  
**Sent:** 8/8/2017 4:36:18 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]; Darwin, Veronica [darwin.veronica@epa.gov]  
**Subject:** Tribal Lands & Environment Forum (TLEF) Briefing  
**Attachments:** EPA AIEO presentation senior leadership (2017-7) Final.pptx; 8817TLEF Background Documents OWOLEMR6 and Hot Sites Final.docx; 8817TLEF Briefing Material - Background on Tar Creek.docx  
**Location:** International Conference Room, RRB 3rd Floor, #31203  
**Start:** 8/8/2017 7:00:00 PM  
**End:** 8/8/2017 8:00:00 PM  
**Show Time As:** Tentative

**Call-In:** Ex. 6 - Personal Privacy **Access Code:** Ex. 6 - Personal Privacy

## Agenda

1. Tribal Program Overview
2. Tar Creek Tour
3. Tribal Dinner
4. TLEF Opening Plenary

Message

---

**From:** John Berrey [Ex. 8 - Personal Privacy]@ogahpah.com]  
**Sent:** 4/2/2018 3:27:33 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**CC:** [Ex. 8 - Personal Privacy]@quapawtribe.com  
**Subject:** Chat White Paper  
**Attachments:** WHITE PAPER Tar Creek 4.2.18[1].pdf

Kel,  
Attached is the Chat White Paper, we are working on rail info and some other project papers for EPA. I hope you had a great Easter.

John L Berrey  
Chairman Quapaw Tribe Business Committee  
Downstream Development Authority



# QUAPAW TRIBE OF OKLAHOMA

P.O. Box 765  
Quapaw, OK 74363-0765

(918) 542-1853  
FAX (918) 542-4694

## WHITE PAPER: THE PURCHASE OF THE REMAINDER OF TRIBAL CHAT AT THE TAR CREEK SUPERFUND SITE

Since the listing of the Tar Creek Superfund site in 1983, it has been evident that ownership of superfund waste (mine tailings known as "chat") by members of the Quapaw Tribe has complicated and delayed the cleanup of the site. The Department of Interior (DOI) through the Bureau of Indian Affairs (BIA) managed historical mining on tribal land and determined that chat is a valuable commodity for which tribal members should be compensated. Consequently, as nontribal chat owners began selling chat for such uses as road subgrades and asphalt aggregate, tribal chat owners and prospective tribal chat buyers were forced to follow burdensome DOI regulations and processes to facilitate a tribal chat sale. Therefore, very little tribal chat was being purchased. Moreover, out of fear of potential liability, once the Tar Creek site was listed as a Superfund site, DOI placed a moratorium on the sale of tribal chat. This has made it almost impossible to cleanup areas containing tribal chat. Even though the moratorium has recently been lifted, tribal chat sales still languish due to burdensome DOI regulations and the highly fractionated tribal ownership of the chat. All stakeholders undoubtedly would like to see tribal chat owners compensated for their chat as DOI/BIA have promised since the early 1900s—just as the non-tribal chat owners have benefitted greatly from the unregulated sale of their chat over the same period. However, delays and complications associated with facilitating tribal chat sales is slowing cleanup at the site significantly.

To solve this problem, and thereby expedite the sale and removal of all tribal chat at the Tar Creek site, the Quapaw Tribe proposes that EPA, as a Remedial Action, fund a one-time purchase (or fund the Quapaw Tribal government to purchase) all the remainder of the chat in piles that BIA has labeled "tribal" at Tar Creek. This would have the effect of speeding up the cleanup of the site by perhaps a decade or more and save the taxpayer tens of millions of dollars (more than paying for the purchase of the chat). Moreover, this would have the effect of helping stop the loading of heavy metals into the watersheds of the Tar Creek site much sooner than has been estimated. The Quapaw Tribe envisions the following sequence of events comprising this proposal:

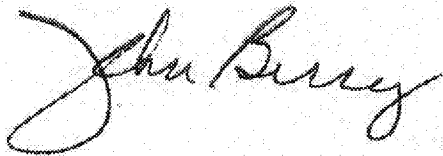
1. An assessment of the quantity of the remaining tribal chat, in chat piles identified as "tribal" by BIA, at the Tar Creek site. Recent very economical Drone- based aerial surveying could provide very accurate volume estimates (estimated cost: less than \$500,000).
2. Identify and locate all owners of chat piles identified as "tribal" by BIA (estimated cost: less than \$200,000).
3. Determine an average fair-market per ton price for all remaining chat in tribal piles. This would require the BIA and the Tribe to examine recent purchases of all grades of chat (estimated cost: \$0).
4. Make a one-time offer to purchase all interests in tribal piles (this would include tribal or "restricted" interest as well as non-tribal or "fee" interest. Most tribal piles have undivided restricted and fee interest; therefore, purchasing all interest would be the simplest and most effective way to facilitate the purchase). Participation would likely need to be near 100%; but this is not unreasonable to expect since up-front purchases would be very attractive to chat owners. Based on a very preliminary assessment by the Tribe, \$1/ton seems like a reasonable

current market-based average price for chat at the piles. In the Remedial Investigation for OU4, EPA estimated that there is approximately 20 million tons of chat in the piles BIA identifies as "tribal". Using this assumption, and a \$1/ton purchase price, a one-time purchase of the remainder of tribal chat would be \$20 million. This is less than what is currently being spent on a two- year basis for cleanup at Tar Creek (estimated cost: \$20 million).

5. Once the tribal chat is purchased, the EPA/Tribe would be able to immediately begin removing chat and disposing of it in the quickest and most economic manner, while meeting the Remedial Action Objectives established in the ROD for OU4. Accordingly, if it makes sense to sell the chat to a nearby chat processor as a part of chat removal, the proceeds would go back into funding the cleanup.

This white paper has been conceptualized and developed by the Quapaw Tribe of Oklahoma and its Environmental Department. We look forward to continuing discussions of this white paper and finding a path to materialize the concepts set forth in this document.

Dated: March 30, 2018

A handwritten signature in black ink, appearing to read "John Berry". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Berry".

Message

---

**From:** Neok(rjim) [REDACTED]@neok.com]  
**Sent:** 2/26/2018 12:45:15 AM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**Subject:** Re: A visit to Tar Creek

Mr. Kelly,

That would be fine. Most of my days are easy, but am excited about an invitation to speak at Vanderbilt University on Tuesday evening and will be traveling tomorrow with 11:30 to 1:00 free and am free after landing after 3:30. My phone # is [REDACTED] at your convenience on my strange schedule.

~ Rebecca Jim

**From:** Kelly, Albert  
**Sent:** Sunday, February 25, 2018 5:53 PM  
**To:** [REDACTED]@neok.com  
**Subject:** Re: A visit to Tar Creek

Perhaps we could visit tomorrow

Sent from my iPad

On Feb 25, 2018, at 6:37 PM, Neok([REDACTED]@neok.com) wrote:

Mr. Kelly,

Sure, I would be glad to let you know what I know. But stopping the flow of metals down Tar Creek is important, too. They all flow towards and then are ending up in Grand Lake, in our water and measurably in some of our fish. As one of the early EPA officials who came to work at this site said, "It's in the air, it's in the water, it's everywhere."

It is the chat, it is the metals in the water and it is in the yards where children are being exposed and being lead poisoned. Nothing is quick, but it is all 3. Each one. The best of all worlds would be do them all and with all speed. I assure you, with all speed has never been tried here.

Glad to visit when you have the time.

Happy you must be feeling better.

~ Rebecca Jim

**From:** Kelly, Albert  
**Sent:** Sunday, February 25, 2018 4:50 PM  
**To:** [REDACTED]@neok.com  
**Cc:** Chancellor, Erin  
**Subject:** Re: A visit to Tar Creek

Hello Ms. Jim. Thank you for your summary of the day's discussions. From reading, it would seem the first order of business is to get rid of the chat piles. How? Who is involved? Who is against that? Can we have an initial meeting by phone?

Sent from my iPad

On Feb 22, 2018, at 11:11 AM, Neok(rjim) [REDACTED]@neok.com wrote:

*What a powerful experience we had at LEAD Agency this week with the visit from the EPA officials.*

*I wanted to share some of what happened.*

*Felt Respected by our listeners ~ Rebecca Jim*

Rebecca Jim  
Executive Director  
LEAD Agency, Inc. &  
Tar Creekkeeper  
[www.leadagency.org](http://www.leadagency.org)  
[leadagency@att.net](mailto:leadagency@att.net)

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"When we heal the earth, we heal ourselves." - David Orr



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<Elevator speech.docx>

Message

---

**From:** Fonseca, Silvina [Fonseca.Silvina@epa.gov]  
**Sent:** 8/8/2017 2:26:06 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**Subject:** RE: FYI--EPA/HUD collaboration PLUS top 10

Yes, I was involved with some of the initial planning. There was a letter that resulted out of this exercise.

*Silvina Fonseca*  
*Special Assistant (OLEM, OARM, OHS, OSBP and OCR)*  
*Office of the Administrator*  
*U.S. Environmental Protection Agency*  
*Desk: 202.564.1955*  
*Cell:* Ex. 6 - Personal Privacy

---

**From:** Kelly, Albert  
**Sent:** Tuesday, August 08, 2017 10:20 AM  
**To:** Fonseca, Silvina <Fonseca.Silvina@epa.gov>  
**Subject:** FW: FYI--EPA/HUD collaboration PLUS top 10

Do you know anything about this?

Albert Kelly  
Senior Advisor to the Administrator  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
202 306 8830

---

**From:** Deborah Gail Musiker [<mailto:Ex. 6 - Personal Privacy@law.northwestern.edu>]  
**Sent:** Tuesday, August 8, 2017 10:11 AM  
**To:** Kelly, Albert <kelly.albert@epa.gov>  
**Cc:** Garypie, Catherine <garypie.catherine@epa.gov>  
**Subject:** Fw: FYI--EPA/HUD collaboration PLUS top 10

fyi

Debbie (Musiker) Chizewer  
Environmental Advocacy Clinic  
Bluhm Legal Clinic  
Northwestern University School of Law  
375 East Chicago Avenue, Chicago, IL 60611-3069  
Ex. 6 - Personal Privacy [@law.northwestern.edu](mailto:Ex. 6 - Personal Privacy@law.northwestern.edu)

---

**From:** Deborah Gail Musiker  
**Sent:** Thursday, August 3, 2017 4:08 PM  
**To:** [garypie.catherine@epa.gov](mailto:garypie.catherine@epa.gov)  
**Subject:** FYI--EPA/HUD collaboration PLUS top 10

What and where were the 10 prioritized NPL sites near HUD housing?

The 10 sites were:

- Omaha Lead (Omaha, NE)
- Brown's Dump and Jacksonville Ash (Jacksonville, FL)
- Oronogo-Duenweg Mining Belt (Joplin, MO)
- Jacobsville Neighborhood Soil Contamination (Evansville, IN)
- Anniston PCB Site (Anniston, AL)
- Southwest Jefferson County Mining District (Jefferson County, MO)
- Welsbach & General Gas Mantle [Camden radiation] (Camden, NJ)
- Tar Creek (Ottawa County, OK)
- Raymark Industries (Stratford, CT)
- Colorado Smelter (Pueblo, CO)

The review also identified 3 Superfund removal actions:

- Pilsen Neighborhood Contamination (Chicago, IL)
- American Lead (Indianapolis, IN)
- Former Chattanooga Foundries (Chattanooga, TN)

Message

---

**From:** Neok [Ex. 6 - Personal Privacy]@neok.com]  
**Sent:** 2/25/2018 11:37:25 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**Subject:** Re: A visit to Tar Creek

Mr. Kelly,

Sure, I would be glad to let you know what I know. But stopping the flow of metals down Tar Creek is important, too. They all flow towards and then are ending up in Grand Lake, in our water and measurably in some of our fish. As one of the early EPA officials who came to work at this site said, "It's in the air, it's in the water, it's everywhere."

It is the chat, it is the metals in the water and it is in the yards where children are being exposed and being lead poisoned. Nothing is quick, but it is all 3. Each one. The best of all worlds would be do them all and with all speed. I assure you, with all speed has never been tried here.

Glad to visit when you have the time.

Happy you must be feeling better.

~ Rebecca Jim

**From:** Kelly, Albert  
**Sent:** Sunday, February 25, 2018 4:50 PM  
**To:** [Ex. 6 - Personal Privacy]@neok.com  
**Cc:** Chancellor, Erin  
**Subject:** Re: A visit to Tar Creek

Hello Ms. Jim. Thank you for your summary of the day's discussions. From reading, it would seem the first order of business is to get rid of the chat piles. How? Who is involved? Who is against that? Can we have an initial meeting by phone?

Sent from my iPad

On Feb 22, 2018, at 11:11 AM, Neok [Ex. 6 - Personal Privacy]@neok.com> wrote:

*What a powerful experience we had at LEAD Agency this week with the visit from the EPA officials.*

*I wanted to share some of what happened.*

*Felt Respected by our listeners ~ Rebecca Jim*

Rebecca Jim  
Executive Director  
LEAD Agency, Inc. &  
Tar Creekkeeper  
[www.leadagency.org](http://www.leadagency.org)  
[leadagency@att.net](mailto:leadagency@att.net)

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"When we heal the earth, we heal ourselves." - David Orr

---



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<Elevator speech.docx>



Message

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**From:** Chancellor, Erin [chancellor.erin@epa.gov]  
**Sent:** 2/25/2018 11:30:59 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**Subject:** Re: Tar Creek

I cannot figure out why, but my Outlook won't open on my laptop. Keeps saying I need login credentials. Hopefully when I hook it up to the docking station in the AM, it will work and I can send (almost done with it). Also, have an email drafted introducing Rebecca and Tim Epp to send in the morning. Talked to Tim about it on Friday so he's expecting it.

Erin E. Chancellor

> On Feb 25, 2018, at 5:51 PM, Kelly, Albert <kelly.albert@epa.gov> wrote:  
>  
> Do you have names, numbers and summary yet?  
>  
> Sent from my iPad

Message

---

**From:** Neok [Ex. 6 - Personal Privacy]@neok.com]  
**Sent:** 2/22/2018 4:11:36 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**Subject:** A visit to Tar Creek  
**Attachments:** Elevator speech.docx

*What a powerful experience we had at LEAD Agency this week with the visit from the EPA officials.  
I wanted to share some of what happened.*

*Felt Respected by our listeners ~ Rebecca Jim*

Rebecca Jim  
Executive Director  
LEAD Agency, Inc. &  
Tar Creekkeeper  
[www.leadagency.org](http://www.leadagency.org)  
[leadagency@att.net](mailto:leadagency@att.net)

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"When we heal the earth, we heal ourselves." - David Orr



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## Elevator speech

If you had 4 minutes to say something to someone in power what would you say?

At the National Service Learning Conference in Atlanta Kindel Maymi and I learned elevator speeches from Cathy Berger Kaye. Be ready if you were on an elevator with someone for only one floor, but your extended speech if you got to ride up several more floors. When lined up to get into our plane at the airport, I did it. Senator Inhofe was standing a few people in front of me. I walked forward to speak to him. He won't remember that encounter, but I do. It was my first elevator speech. I thanked him for finding the funding to help Picher and Cardin's Voluntary Buy-out and that I hoped he understood it was not over, there was more to do at Tar Creek.

That is more or less what I asked a crew of people to do this week. To practice an elevator speech to give to people who might have the power to do something for us and for Tar Creek. Albert Kelly, charged with the Superfund Program at EPA, along with the administrator's other senior advisor, Kenneth Wagner and his council, Erin Chancellor were coming to visit and their first stop was with us at LEAD Agency. Ken Wagner and Erin Chancellor arrived without Mr. Kelly who had stayed home with the flu. I loved that he took care of himself and us and stayed put but am sure he will come and when he does we will have had more time to practice.

A mother came with a lead poisoned child who experiencing developmental delays. He has lost his ability to speak whole words and is now speaking only the first syllable of the words he used to know. She asked, "Why is my son's lead level still too high?" She is on the list to have her yard tested for lead, and waits to see if that is the source of the lead. I explained we have many more yards left to test and that all should be re-checked if they were remediated earlier to ensure us they are safe for children. Keesha Bunch insisted the parks, playgrounds and daycares as well as yards must be clean. It's not just Picher, this is not over.

Ottawa County Health Department nurse Amanda Burnett explained it is hard to get accurate numbers of lead poisoned children in the county because so few are getting checked since testing is only suggested not required for children at 12 and 24 months.

Our community's newest dentist, Chris Robinson has a multigenerational connection to this place, eloquently expressed his concern and asked the officials for help since thousands of kids have had neurological damage and we have to stop it from happening in the future. He had a couple of actions on his list. The priority is to remediate the source. Stop the flow of metals, stop the bleeding. AND stop the commercial use of chat, stop sending this material all over the place to damage other communities.

Dr. Shirley Chesnut explained how her nurse thought children being referred in the early 1990's for hyperactivity were exposed to lead and testing confirmed it. When working in mental health she found depression, bipolar and severe mental illness common. She explained lead affects the neurological system, affects the way the brain works. She is also concerned about the high numbers of cancer cases

and remarked, "Get rid of the chat piles. Until the chat piles are gone, wind will be carrying the metals into our communities."

Jill Micka spent her childhood outside and often near the Neosho River. In 2010 she was diagnosed with end stage renal failure. She asked simply with tears, "How do you honor God?" She used to like to be outside, take kids fishing, but with the flooding, contamination is everywhere. We are being denied our old people and denied where our kids can play.

She was one of the only people to say she was grateful for the visit, but went on to say EPA doesn't have a good reputation here but that their visit helps. She ended with a comment, "There are gifts around here," and I would say Jill is one of them.

Organic gardener Kelda Lorax brought maps indicating where her garden and farms are but expressed concern about our soils and the re-loading they get from the windblown chat metals. She asked for help on how to test the foods we grow and consume.

Growing up with his own "chat sand box" John Scruggs by 2nd grade was on Ritalin for hyperactivity. 3 years ago he was diagnosed with leukemia and during treatment his Oklahoma Medical Center doctor stated he had many other patients from Ottawa County.

Earl Hatley our Grand Riverkeeper said simply, Tar Creek itself is unacceptable. Discharge must be treated at Douthitt. Channel Tar Creek, keep chat from entering it. How many 5 year reviews can you say it just didn't work before you go back to the ROD and choose another remedy? He suggested pump and treat, lower the water table. During the dry time put chat back into the hole. The Boone Aquifer is written off but the water could be treated and the water used for good.

Martin Lively spoke early asked that our stories be shared. Our best leave and don't come back. It is dangerous for a child to grow up here and businesses don't want to come. We need support from EPA to help us get this fixed. Everyone is ready to do their part, we have potential and are on the cusp of rebuilding. Help us do this.

We filled our EPA visitors' time with concerns and hopes - suggestions for change and a chance to meet a 2 1/2 year old already struggling with the effects of lead poisoning.

*Respectfully Listened to ~ Rebecca Jim*

Message

---

**From:** Neok [Ex. 6 - Personal Privacy]@neok.com]  
**Sent:** 2/21/2018 10:04:48 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**Subject:** Re: Hope you feel better soon

You are always welcome. Take care and get well. ~ Rebecca

**From:** Kelly, Albert  
**Sent:** Wednesday, February 21, 2018 2:28 PM  
**To:** [Ex. 6 - Personal Privacy]@neok.com  
**Subject:** Re: Hope you feel better soon

Thank you Mrs Jim. I would like to reschedule to come to Miami and Tar Creek

Sent from my iPhone

On Feb 21, 2018, at 1:36 PM, Neok [Ex. 6 - Personal Privacy]@neok.com> wrote:

Hello Mr. Kelly,  
We missed seeing you yesterday at Tar Creek, but hope you will feel better soon. It is very important to pay attention to the flu to take better care of yourself, but also to keep from passing it along. We enjoyed meeting Ken and Erin and appreciated their openness to listen to our residents.

My best,  
Rebecca

Rebecca Jim  
Executive Director  
LEAD Agency, Inc. &  
Tar Creekkeeper  
[www.leadagency.org](http://www.leadagency.org)  
[leadagency@att.net](mailto:leadagency@att.net)

[Ex. 6 - Personal Privacy]

"When we heal the earth, we heal ourselves." - David Orr



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Message

---

**From:** Neok [Ex. 6 - Personal Privacy]@neok.com]  
**Sent:** 2/21/2018 7:36:13 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**Subject:** Hope you feel better soon

Hello Mr. Kelly,

We missed seeing you yesterday at Tar Creek, but hope you will feel better soon. It is very important to pay attention to the flu to take better care of yourself, but also to keep from passing it along. We enjoyed meeting Ken and Erin and appreciated their openness to listen to our residents.

My best,  
Rebecca

Rebecca Jim  
Executive Director  
LEAD Agency, Inc. &  
Tar Creekkeeper  
[www.leadagency.org](http://www.leadagency.org)  
[leadagency@att.net](mailto:leadagency@att.net)

[Ex. 6 - Personal Privacy]

"When we heal the earth, we heal ourselves." - David Orr



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**To:** Gray, David[gray.david@epa.gov]  
**Cc:** Kelly, Albert[kelly.albert@epa.gov]  
**From:** Grantham, Nancy  
**Sent:** Tue 2/20/2018 1:22:48 PM  
**Subject:** RE: Wilcox site in Bristow, Okla.

Thanks .. looping kell as I believe he has some knowledge of this site .. thanks ng

**Nancy Grantham**

**Office of Public Affairs**

**US Environmental Protection Agency**

**202-564-6879 (desk)**

**Ex. 6 - Personal Privacy** mobile

**From:** Gray, David  
**Sent:** Tuesday, February 20, 2018 8:21 AM  
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>  
**Subject:** Fwd: Wilcox site in Bristow, Okla.

We are working on answers.

Sent from my iPhone

Begin forwarded message:

**From:** Mike Soraghan <**Ex. 6 - Personal Privacy**>  
**Date:** February 20, 2018 at 7:17:18 AM CST  
**To:** "David Gray (gray.david@epa.gov)" <gray.david@epa.gov>, Jennah Durant  
<Durant.Jennah@epamail.epa.gov>  
**Subject:** Wilcox site in Bristow, Okla.

Jennah, David,

Hi. Mike Soraghan here at E&E News. I'm finishing a story that involves the Wilcox Oil

refinery Superfund site in Bristow, Okla., and I had some questions. Would it be possible to talk to the point person for the sites there? I'm trying to finish my reporting this week and these are some of the questions I'm trying to get answers to.

What is the current status the Wilcox site?

I understand EPA folks have been talking with stakeholders about eventual uses for the Wilcox site. Is EPA recommending that the site be capped rather than having the waste removed?

The site has been on the agency's radar since at least 1994. Does EPA do anything that would alert purchasers or residents to the risks of living on the site before a cleanup is completed?

I would expect to have some questions in the future on Tar Creek, but I'm further behind on that story.

Thank you,

Mike Soraghan

E&E News reporter

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy (office and mobile)

Ex. 6 - Personal Privacy



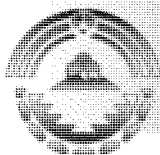
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**To:** FULLCIRCLE@LISTS.NAU.EDU[FULLCIRCLE@LISTS.NAU.EDU]  
**From:** Super-list for distributing postings to TLR and TSFWG sub-lists  
**Sent:** Fri 9/15/2017 8:13:45 PM  
**Subject:** ITEP's Full Circle: September/October 2017



**FULL CIRCLE**

*Newsletter for Tribes*

Waste Management & Tribal Response

## Institute for Tribal Environmental Professionals



**NORTHERN ARIZONA  
UNIVERSITY**

*Tribal Solid Waste Education and Assistance Program  
Tribal Waste and Response Assistance Program*

*September/October 2017 Vol.9, Issue 5*

### Welcome to Full Circle Newsletter

#### ■ Thank You to All Who Attended the 2017 TLEF

The 2017 Tribal Lands and Environment Forum has come and gone, and we want to thank all of you who attended this year's forum. We had a great turnout – especially from Tribes across the country – who were able to take advantage of 15 trainings, five field trips, two plenaries, the Multi Media Meetup, and 49 breakout sessions featuring 79 different presentations.

A big thank you to the nearly 100 people who shared their knowledge and passion as presenters at this year's TLEF. You really are the reason this event is such a success and we appreciate your dedication and willingness to share. And a special thank you to all the attendees from Oklahoma Tribes, especially those who put on such wonderful field trips and special presentations during our plenaries. This year attendees had the chance to tour the Natives Raising Natives Euchee Butterfly Farm, several Tribally-run recycling programs, the Tar Creek Superfund site, and multiple sustainability projects run by the Muscogee (Creek) Nation. We were honored to have speakers from the Cherokee Nation, the Osage Nation Color Guard, and a wonderful keynote presentation by representatives from Muscogee (Creek) Nation during our opening plenary, and then a fascinating (and inspiring) presentation about the Iowa Nation's Grey Snow Eagle House raptor rehabilitation program during the closing plenary. (And a special thanks to Woody the Bald Eagle, for stopping by!)

You can access presentations, and a list of attendees, by visiting our website at:  
[http://www7.nau.edu/itep/main/Conferences/confr\\_tlef](http://www7.nau.edu/itep/main/Conferences/confr_tlef). We hope to see you all August 13-16, 2018 in Spokane, Washington.

#### Meet Our Staff:

**Todd Barnell, Program  
Manager, TSWEAP and  
TWRAP**  
[Todd.Barnell@nau.edu](mailto:Todd.Barnell@nau.edu)

**Julie Jurkowski, Program  
Coordinator Sr, TSWEAP and  
TWRAP**  
[Julie.Jurkowski@nau.edu](mailto:Julie.Jurkowski@nau.edu)

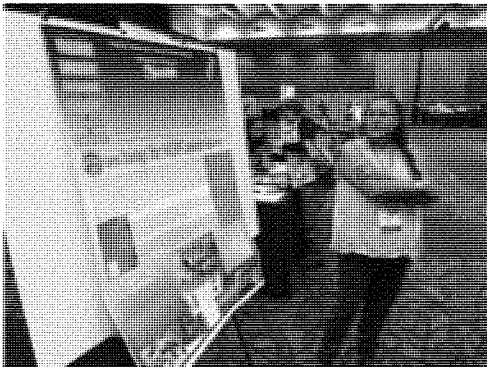
**John Mead, Program  
Coordinator Sr, TWRAP**  
[John.Mead@nau.edu](mailto:John.Mead@nau.edu)

**Jennifer Williams, Program  
Coordinator Sr, TWRAP**  
[Jennifer.Williams@nau.edu](mailto:Jennifer.Williams@nau.edu)

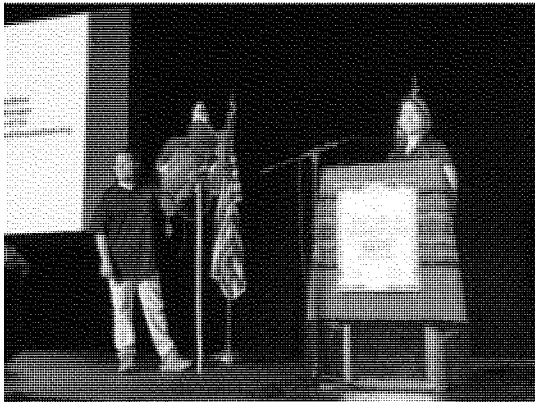
■ **Full Circle Network**  
Did someone forward this newsletter to you? Send an email to Todd Barnell to subscribe or unsubscribe to the newsletter. Archived issues can be found at:



TLEF attendees tour the Tar Creek Superfund site with staff from the Quapaw Tribe



Cynthia Naha, Environmental Specialist for the Santo Domingo Tribe and TWRAP Steering Committee member, talks with attendees at the Multi Media Meetup



Woody, the Bald Eagle, and the wonderful team at the Grey Snow Eagle House

## ☼ Welcome to Our Newest TWRAP Steering Committee Member

Mark Junker, Tribal Response Coordinator for the Sac and Fox Nation of Missouri, has recently been selected to serve on the TWRAP Steering Committee. Current members of the TWRAP SC who were successful in their applications for another term are Arvind Patel (Pueblo of Acoma), Virginia LeClere (Prairie Band Potawatomi Nation), Katie Kruse (Keweenaw Bay Indian Community), and Rob Roy (La Jolla Band of Luiseno Indians). They all will work with Victoria Flowers (Oneida Nation), Cynthia Naha (Santo Domingo Tribe), Rebecca Stevens (Coeur d'Alene Tribe), John Wheaton (Nez Perce Tribe), and Ann Wyatt (Klawock Village). So congratulations to all the successful applicants, and thank you to everyone who applied, as well as the volunteers who composed the selection team.

The TWRAP SC has been quite busy lately, even though they were no doubt hoping for a bit of a break after the TLEF. They, along with many other highly engaged Tribal Partnership Groups, have been working with the National Tribal Caucus, providing their professional insights to discussions about priorities at the USEPA during these times of change. All of us at ITEP thank them for their incredible work, above and beyond their daily responsibilities, ensuring tribal priorities in the areas of solid waste, brownfields, Superfund, UST, and emergency response are heard and respected.

## ☼ ITEP Celebrates 25 Years

On Monday, September 11, 2017, all of ITEP's staff came together for our annual retreat, and to also celebrate our 25<sup>th</sup> Anniversary. It was an inspiring and wonderful opportunity for all of us to set aside our day-to-day work and concerns, and spend some great time together.

In the evening, we hosted a special event attended by approximately 500 guests from across the country. We had a wonderful lineup of speakers, who spoke about ITEP's history, the work, and the historical leaders of ITEP. The speakers included Ann Marie Chischilly, ITEP's Executive Director; Dr. Rita Cheng, Northern Arizona University's (NAU) President; Dr. Chad Hamill, NAU Vice President for Native American Initiatives; William Auberle, a Co-Founder of ITEP and ITEP Board Member; Steve Page, Director of the Office of Air Quality Planning and Standards at USEPA; Richard Jeanne, our founder Virgil Masayesva's brother-in-law; and Chelsa Seciwa, the daughter of our former Executive Director, Cal Seciwa. The memories, stories, and perspectives shared were extremely inspiring to us all, and a call to action for all people engaged in defending Mother Earth and ensuring a healthy environment for strong, self-sustaining tribal communities.

Our Keynote Speaker is a great friend of ITEP and an inspiring warrior to us all – Winona LaDuke. Needless to say her words, and the example she set for us all, left us all ready to continue our fight. (To learn more about Winona LaDuke and her amazing team please visit <http://www.honorearth.org/>.)

We want to thank everyone who traveled to Flagstaff to help us celebrate. And for those unable to be here in person, know you were there in our hearts! We look forward to another 25 years working side by side with you all.



### **■ Onsite Mentoring Opportunities for Tribal Solid Waste and Superfund Professionals**

**We are happy to announce that we have been awarded additional funding to allow us to continue offering onsite mentoring opportunities for tribal professionals. Keep your eye on your inbox as the next quarter's application will be sent out during the first week of October.**

**For the past several years we have been making these opportunities available to tribal staff working in solid waste. Individuals interested in being matched with a mentor submit an application to ITEP, and if they are accepted the ITEP we research the best mentor to assist them with their specific challenges and needs. An introductory call is arranged, and if the mentor and the applicant agree it is a good match then a site visit is arranged. The mentor may visit the applicant's tribe to see their operations in action, or the applicant may visit the mentor's tribe. Either way, ITEP reimburses all travel expenses.**

**These opportunities have become extremely popular, as well as highly effective. And it is very gratifying to hear from so many mentors that they also found themselves learning a great deal by taking part.**

We are now offering these onsite mentor matches to tribal professionals also working in Superfund and related fields. If you have any questions about these projects please contact Todd at [todd.barnell@nau.edu](mailto:todd.barnell@nau.edu) or Julie at [julie.jurkowski@nau.edu](mailto:julie.jurkowski@nau.edu).

### National Association of Remedial Project Managers Training Program

The 25<sup>th</sup> NARPM Training Program is planned for **December 4 through 8, 2017** in Denver, Colorado. The NARPM Training Program provides an excellent opportunity for Superfund Remedial Project Managers and those who work with them, such as States, Tribal Project Managers and Federal partners, to network, obtain training and discuss issues of regional and national concern. Over 45 individual training courses are offered concurrently in one week and fall within the following training categories: project management; community engagement and environmental justice; cleanup optimization; investigation, design, remediation and post-construction; and technology and contaminant-specific topics.

There are no registration or conference fees associated with the NARPM Training Program.

Information on registration and course will be available soon! Please contact Leslie Leahy at [leahy.leslie@epa.gov](mailto:leahy.leslie@epa.gov) for more information.

### 2017 National Brownfields Training Conference

The 2017 National Brownfields Training Conference will occur in Pittsburgh, Pennsylvania, **December 5 - 7, 2017**. Please join your colleagues for the premier brownfields and land revitalization event. Attendees will enjoy opportunities to participate in training events, observe success stories first hand during mobile workshops, listen to experts regarding best practices for meeting brownfields challenges, and network with thousands of other stakeholders. Brownfield 2017 Online Registration and Housing is Now Open!

Visit the official Brownfields Conference Website for registration and additional information at [www.brownfields2017.org](http://www.brownfields2017.org).



**Find Us On Facebook!**

 [www.facebook.com/ITEPNau](https://www.facebook.com/ITEPNau)

### **Learn more...**

#### **Tribal Waste and Response Assistance Program (TWRAP)**

**TWRAP is a program focused on assisting tribes with all waste management, brownfields, USTs, contaminated sites, and response programs. This program is funded by the USEPA's Office of Land and Emergency Management.**

**■ Tribal Solid Waste Education and Assistance Program (TSWEAP)**

**TSWEAP's focus is providing training and assistance to tribes working on solid and hazardous waste management and diversion. This program is funded by the USDA, IHS, and USEPA.**

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<http://lists.nau.edu/cgi-bin/wa?SUBED1=FULLCIRCLE&A=1>

Message

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**From:** Deborah Gail Musiker [Ex. 6 - Personal Privacy]@law.northwestern.edu]  
**Sent:** 8/8/2017 2:11:27 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**CC:** Garypie, Catherine [garypie.catherine@epa.gov]  
**Subject:** Fw: FYI--EPA/HUD collaboration PLUS top 10  
**Attachments:** HUD MOU Slides - final.pdf; ATT00001.htm

fyi

Debbie (Musiker) Chizewer  
Environmental Advocacy Clinic  
Bluhm Legal Clinic  
Northwestern University School of Law  
375 East Chicago Avenue, Chicago, IL 60611-3069  
[Ex. 6 - Personal Privacy]@law.northwestern.edu

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**From:** Deborah Gail Musiker  
**Sent:** Thursday, August 3, 2017 4:08 PM  
**To:** garypie.catherine@epa.gov  
**Subject:** FYI--EPA/HUD collaboration PLUS top 10

**What and where were the 10 prioritized NPL sites near HUD housing?**

The 10 sites were:

- Omaha Lead (Omaha, NE)
- Brown's Dump and Jacksonville Ash (Jacksonville, FL)
- Oronogo-Duenweg Mining Belt (Joplin, MO)
- Jacobsville Neighborhood Soil Contamination (Evansville, IN)
- Anniston PCB Site (Anniston, AL)
- Southwest Jefferson County Mining District (Jefferson County, MO)
- Welsbach & General Gas Mantle [Camden radiation] (Camden, NJ)
- Tar Creek (Ottawa County, OK)
- Raymark Industries (Stratford, CT)
- Colorado Smelter (Pueblo, CO)

The review also identified 3 Superfund removal actions:

- Pilsen Neighborhood Contamination (Chicago, IL)
- American Lead (Indianapolis, IN)
- Former Chattanooga Foundries (Chattanooga, TN)



Message

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**From:** Stephanie O'Keefe [mailto:[stephanie@iwforum.org](mailto:stephanie@iwforum.org)]  
**Sent:** 8/7/2017 10:26:50 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**Subject:** FW: AG Mike Hunter - DC  
**Attachments:** Hunter Save the Date 9.25.17.docx

Stephanie Mathews O'Keefe  
Chief Executive Officer  
International Women's Forum and Leadership Foundation

T: [202.462.3400](tel:2024623400)  
E: [stephanie@iwforum.org](mailto:stephanie@iwforum.org)  
[www.iwforum.org](http://www.iwforum.org)



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**From:** Erin DeLullo [mailto:[erin@delullo.com](mailto:erin@delullo.com)]  
**Sent:** Monday, August 7, 2017 4:28 PM  
**To:** Erin DeLullo <[erin@delullo.com](mailto:erin@delullo.com)>  
**Subject:** AG Mike Hunter - DC

Good Afternoon,

Please find the save the date for Attorney General Mike Hunter's upcoming DC Fundraiser. I'll be in touch with the official invite soon.

Do not hesitate to reach out with any questions in the meantime.

Best,

Erin DeLullo

[erin@delullo.com](mailto:erin@delullo.com)

# SAVE THE DATE

## FUNDRAISING RECEPTION BENEFITING

# **Mike Hunter**

Attorney General of Oklahoma

**Monday, September 25<sup>th</sup> 5:00pm to 7:00pm**

101 Constitution Avenue, NW

Suite 700

Washington, DC 20001

## **Suggested Donations:**

Co-Chair: \$5,000, Host Committee: \$2,700,

Individual Attendee: \$1,000

RSVP to Erin DeLullo

**Ex. 6 - Personal Privacy**

**Make checks made payable to “Mike Hunter For Attorney General”**

**c/o Erin DeLullo 815 King Street, Suite 308**

**Alexandria, VA 22314**

The maximum an individual may contribute is \$2,700 per election. Couples may contribute up to \$5,400 from joint funds. Contributions attributed to a couple must be from shared funds and spouse information provided. Employer and occupation is required. If retired, please list your previous occupation. Contributions are not tax deductible as charitable contributions for federal income tax purposes. **State law prohibits acceptance of of corporate contributions.**

# **SAVE THE DATE**

## **FUNDRAISING RECEPTION BENEFITING**



**Monday, September 25<sup>th</sup> 5:00pm to 7:00pm**

101 Constitution Avenue, NW  
Suite 700  
Washington, DC 20001

### **Suggested Donations:**

Co-Chair: \$5,000, Host Committee: \$2,700,  
Individual Attendee: \$1,000

RSVP to Erin DeLullo [Erin@DeLullo.com](mailto:Erin@DeLullo.com) 202.372.7124  
**Make checks made payable to "Mike Hunter For Attorney General"**  
**c/o Erin DeLullo 815 King Street, Suite 308**  
**Alexandria, VA 22314**

The maximum an individual may contribute is \$2,700 per election. Couples may contribute up to \$5,400 from joint funds. Contributions attributed to a couple must be from shared funds and spouse information provided. Employer and occupation is required. If retired, please list your previous occupation. Contributions are not tax deductible as charitable contributions for federal income tax purposes. State law prohibits acceptance of corporate contributions.

Authorized and paid for by Mike Hunter For Attorney General 2018

Message

---

**From:** Edlund, Carl [Edlund.Carl@epa.gov]  
**Sent:** 8/7/2017 4:52:25 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**CC:** Darwin, Veronica [darwin.veronica@epa.gov]; Meyer, John [Meyer.John@epa.gov]; Atkins, Blake [Atkins.Blake@epa.gov]; Phillips, Pam [phillips.pam@epa.gov]; Casanova, Rafael [Casanova.Rafael@epa.gov]; Blanco, Arturo [Blanco.Arturo@epa.gov]  
**Subject:** Background Information on Tar Creek and Tribes  
**Attachments:** 02\_Coordinating With Tribes\_052814.pdf

Kell- We'll provide a more thorough briefing for you next week but I thought that the attached would be good advance information. Rafael Casanova [one of the RPM's for the Site] and Tim Kent of the Quapaw Tribe gave the attached presentation to the National Association of Remedial Project Managers on Tar Creek and Tribal coordination. Although it is a couple of years old, it has a lot of very useful information.

We'll meet Tim Kent when we do the tour but Rafael won't be able to be with us.

**Carl E. Edlund, Director**  
**Superfund Division**  
**EPA Region 6**

Office: 214-665-6701

Direct 214-665-8124

Cell: 214-789-1879





# Tribal-Lead Remedial Action Tar Creek Superfund Site

Rafael Casanova, P.G. (EPA, R6)  
Tim Kent, P.G. (Quapaw Tribe)



United States  
Environmental Protection  
Agency

23<sup>rd</sup> Annual NARPM Training Program

# Agenda

- ◆ Site Background
- ◆ Operable Units and Accomplishments
- ◆ Cooperative Agreement for Catholic 40 Remedial Action
- ◆ History of the Quapaw Tribe of Oklahoma
- ◆ Site-Specific Remedial Actions

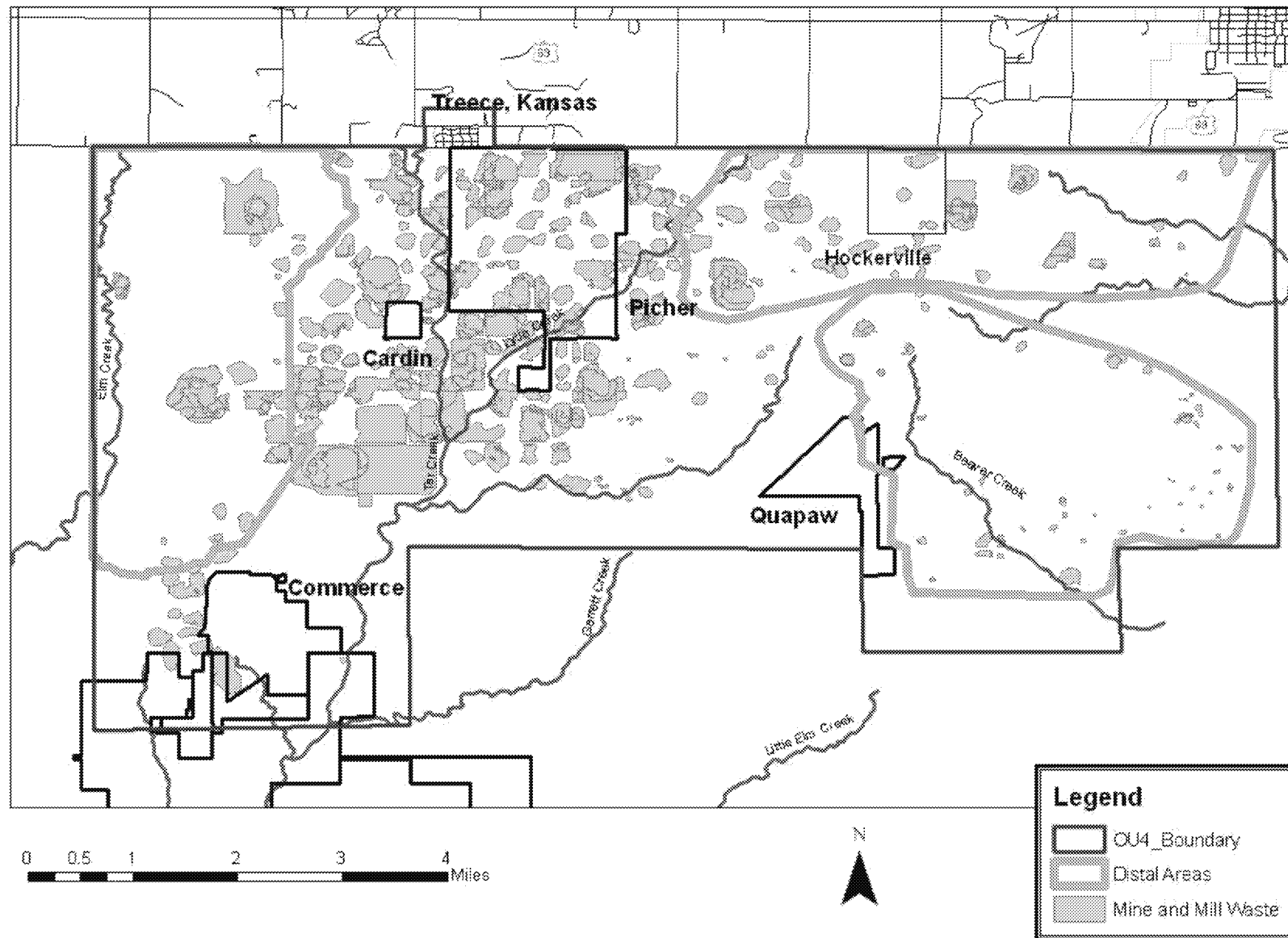
# Site Background

## ◆ Brief History of the Site:

- Lead and zinc ore discovered in 1914 near Picher, Ok.
- Depletion of high-grade ore and depressed market prices caused cessation of activities in 1958.
- Last record of significant production in Ottawa County in 1970.
- In 1994, 35% of Indian children had blood-PB greater than 10 micrograms/deciliter ( $\mu\text{g/dL}$ ).
- By 2003, 2.8% of children had elevated blood-PB.

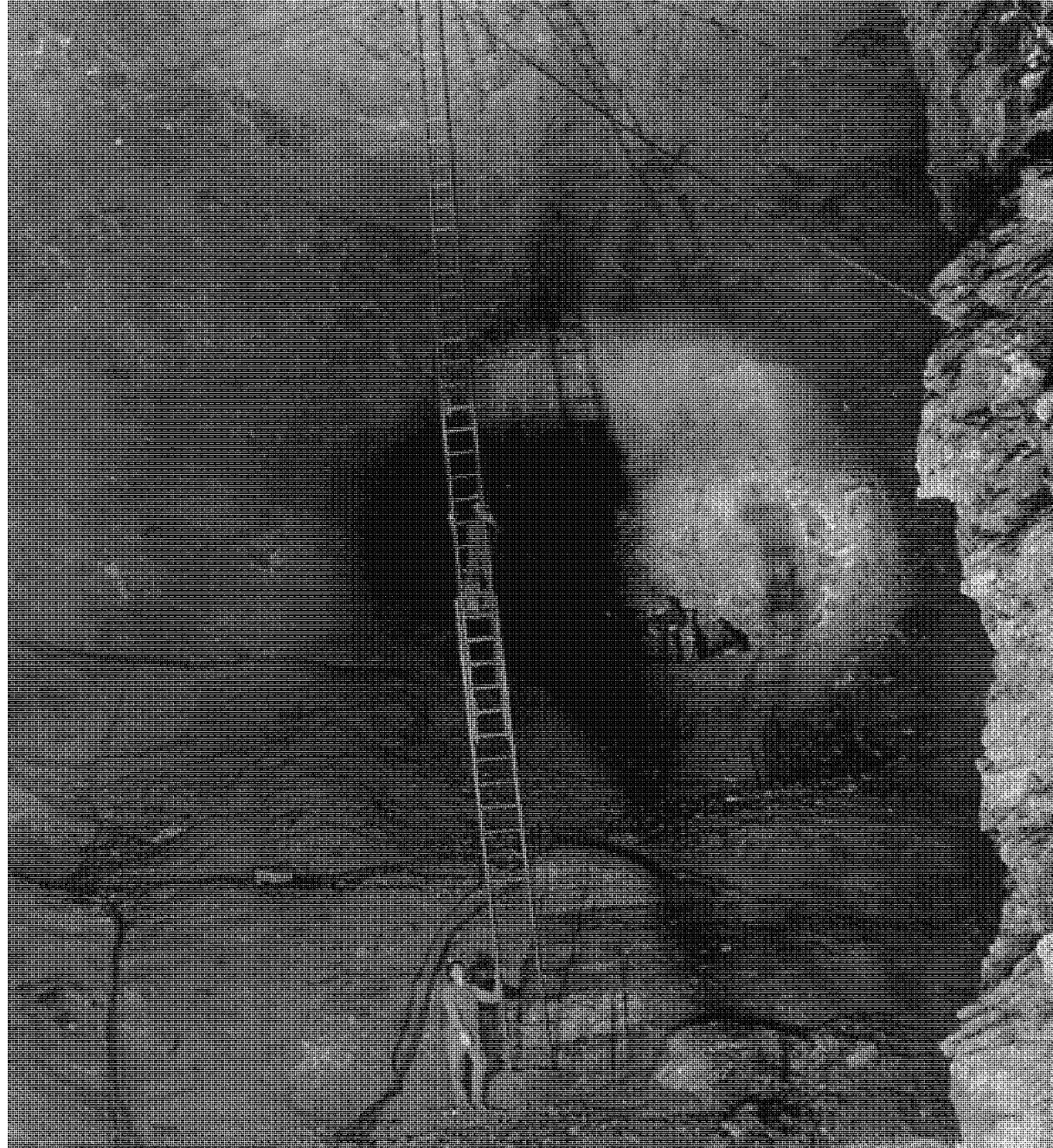


# Tar Creek OU4 Site Boundary



# Tar Creek Operable Units (OUs)

- ◆ OU 1 – Surface/Ground Water
- ◆ OU 2 – Residential Areas
- ◆ OU 3 – Office Complex: Lab Cleanup
- ◆ OU 4 – Relocation, Chat Piles/Bases
- ◆ OU 5 – Sediments and Surface Water











# Cooperative Agreement

## Catholic 40 Remedial Action

### ◆ Signed in October 2012:

- Work Plan and Budget Negotiated with the Tribe – Construction began in December 2013.
- Excavation/Removal of  $\approx 107,000$  tons of source material (chat).
- Excavation/Removal of  $\approx 31,074$  tons of source material near historical structures.
- Stabilization of Beaver Creek, Abandonment of Mine Shafts and Cased Borings.
- Site Restoration.

# 2011-2014 Accomplishments

## ◆ Operable Unit 2 (Residential Areas):

- Total Remediated Properties – 207 in City of Miami.
- Blood-Pb Levels – Significant Reduction.

## ◆ Operable Unit 4 (Chat Piles/Bases):

- Voluntary Buyouts – 628 Residences, 74 Businesses, and 125 Renters.
- Distal Chat - 318 acres remediated and ready for reuse, 2 million tons of source material addressed.
- First Tribal Remedial Action.
- Enforcement – \$25M settlement with Asarco; reached settlements in principle with 3 other mining companies, currently negotiating settlements with 2 remaining mining companies.

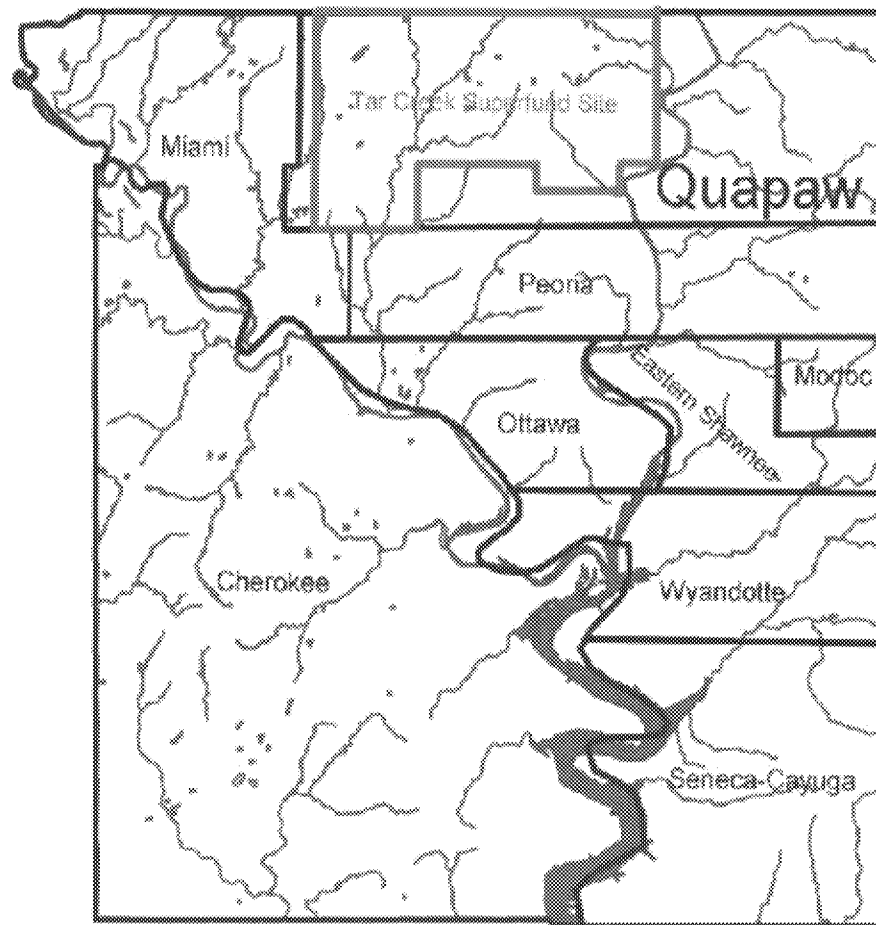


# Tribal Involvement

- ◆ Nine tribes were moved to NE Oklahoma from various areas of the country by treaty in the 1800s.
- ◆ The Quapaw Tribe was moved to NE Oklahoma from their ancestral homelands in what is now Arkansas and eastern Oklahoma through a series of treaties in the 1800s.
- ◆ Lead and Zinc discovered on Quapaw tribal lands in the early 1900s.

(continued)

# Tribal Involvement



# Quapaw Tribe Superfund Program Capacity Building

- ◆ Through the EPA Region VI General Assistance Program (GAP), the Quapaw Tribe Environmental Office was established on October 1, 1997.
- ◆ In June of 1998, the Quapaw Tribal Chairman and the EPA Region VI Administrator signed a Tribal Environmental Agreement (TEA), which established a formal agreement between the Tribe and the EPA to address the issues raised regarding the environmental protection of lands within the Quapaw Reservation.

(continued)

# Quapaw Tribe Superfund Program Capacity Building

- ◆ The Quapaw Tribe is currently administering an EPA Superfund management assistance grant under an existing Superfund support agency cooperative agreement. The Tribe entered into this support agency cooperative agreement with EPA in 2001.
- ◆ This management assistance grant has enabled the Tribe to have “meaningful and substantial involvement” in the decisions related to the development and implementation of the OU4 ROD.

(continued)

# Quapaw Tribe Superfund Program Capacity Building

- ◆ Working together with the EPA and other stakeholders on Tar Creek issues over the past 12 years has enabled the QTEO to develop the technical capacity required to administer a remedial response cooperative agreement
- ◆ Consequently, in 2013, the Tribe negotiated a remedial response cooperative agreement with EPA Region 6 to self-perform the remediation of an historic and culturally significant Tribal Property known to the Quapaw Tribe as the “Catholic Forty.” This property is within OU4 at Tar Creek.

# “Catholic 40” History

- ◆ The “Catholic 40” is a 40-acre parcel owned by the Quapaw Tribe and set aside by it for the Catholic Church for religious and educational purposes. The parcel is located in Section 6, Township 28N, Range 24E. St. Mary’s of the Quapaw, a Catholic cemetery, church, and boarding school was established there in 1892. St. Mary’s operated until 1927.
- ◆ In 1937, the church leased the property for mining.
- ◆ In 1975, the Catholic Church deeded the property back to the Quapaw Tribe. Today, the Catholic 40 is overgrown, partially covered by mining chat, and contains a cemetery and ruins of the school buildings.



**Figure A-3: St. Mary's of the Quapaw School, undated. Note the same 2-story building as in the previous figure and small building that may have been John Quapaw's school.  
(Photo from Quapaw Pow-wow Program, 1990)**



**Figure A-4: St. Mary's of the Quapaw School photo showing the reverse side of the same buildings as the previous photo (photo courtesy of the Dodson Museum, Ottawa County Historical Society).**



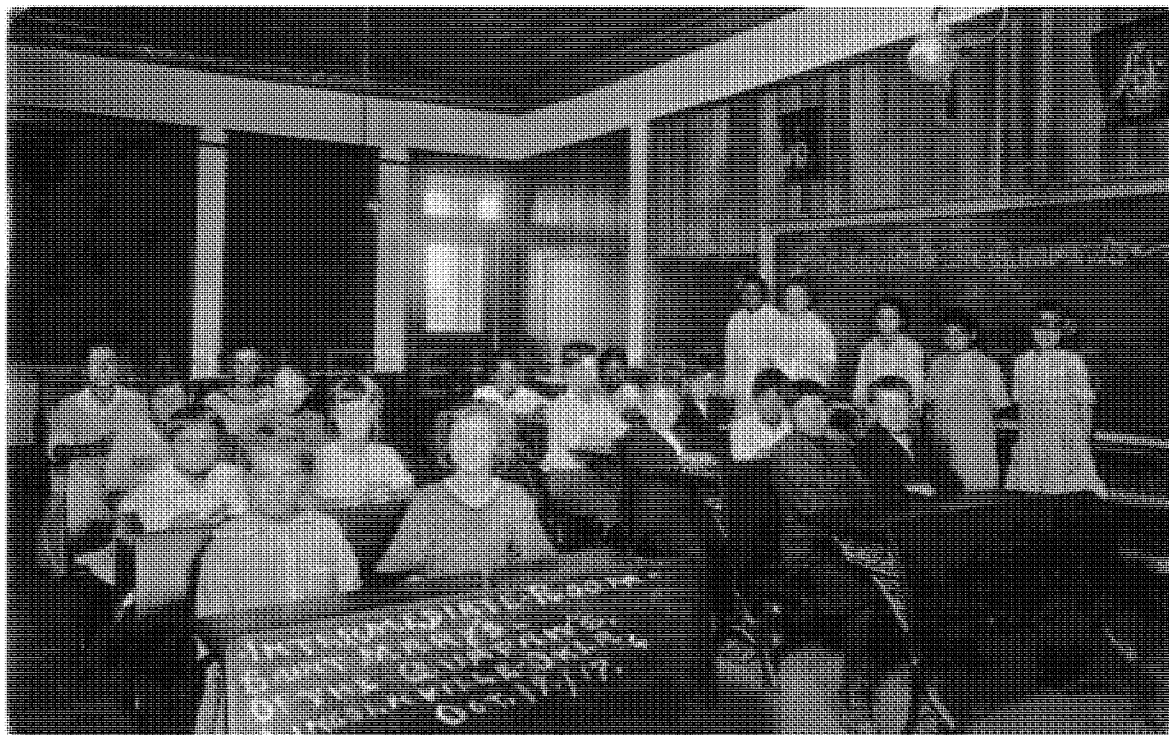
**Figure A-5: St. Mary's of the Quapaw School, post-1915**  
**NOTE THE LARGE CHATCRETE STRUCTURE CONSTRUCTED 1915 (PHOTO FROM NIEBERDING 1953).**



**Figure A-6: St. Mary's of the Quapaw School, post-1915. View of the school toward the south showing the 1915 three story building and two-story frame building (photo courtesy of the Dodson Museum, Ottawa County Historical Society).**



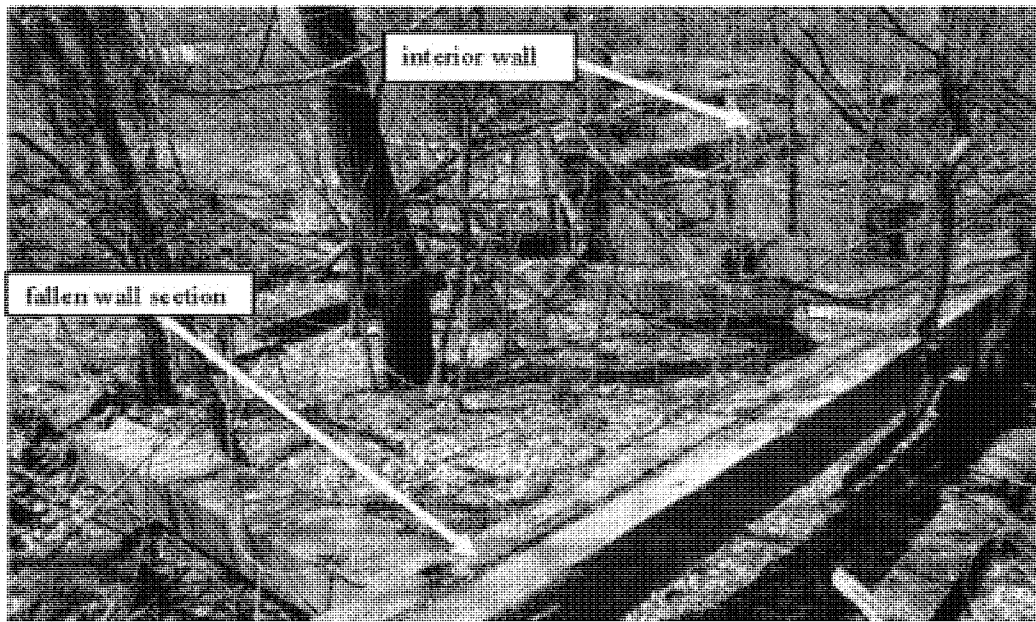
classroom/dorm. Note the ornate ceiling, wood paneling, and the concrete porch support seen through the window. Also note the presence of Anglo students in addition to the Native American students.



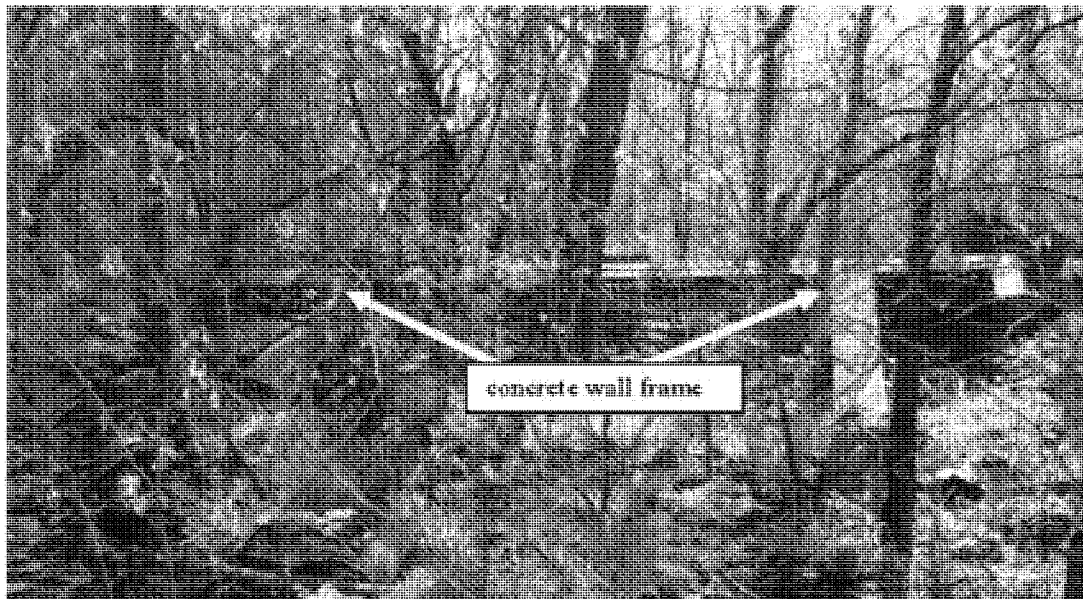
**Figure A-29: Undated photo showing a classroom in the interior of what appears to be the three-story building at St. Mary's of the Quapaw School. Photo courtesy of Marquette University Archives.**



Figure A-32: 1927 aerial photograph with St. Mary's of the Quapaw School campus indicated.



**Figure A-8: St. Mary's of the Quapaw school, Building 2 (1915 Dormitory Building), view northwest of fallen wall section and interior floor support walls.**



**Figure A-9: St. Mary's of the Quapaw school, Building 2 (1915 Dormitory Building),**

foundation along with a pile of rubble immediately south of the southwest corner. A round stone lined well (Figure A-16) is located approximately ten feet southeast of the southeast corner of the foundation. The well is four feet in diameter and lined with fieldstone.

#### **A.3.6. Building 7: St. Mary's of the Quapaw school, gabled roof ruins**

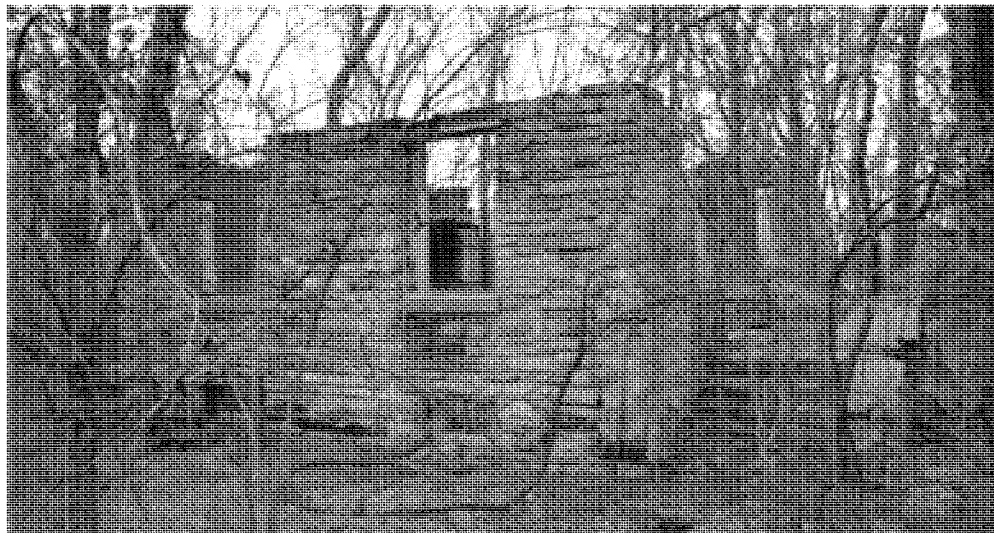


**Figure A-17: St. Mary's of the Quapaw school, Building 7, view to the north showing north wall.**

This rectangular stone building is immediately south of Building 4. Its function is unknown but was probably a shed or agricultural related building (Figure A-17). This building measures 20 ft. north-south by approximately 12 ft. east-west and is partially covered to the west by the adjacent chat pile. The building is composed of fieldstone with chaterete mortar and had a steep pitched gable roof. A small 12 in. by 12 in. window is in the peak of the gable in the north wall. Much of the east wall is missing or has collapsed, probably from stresses related to mining.

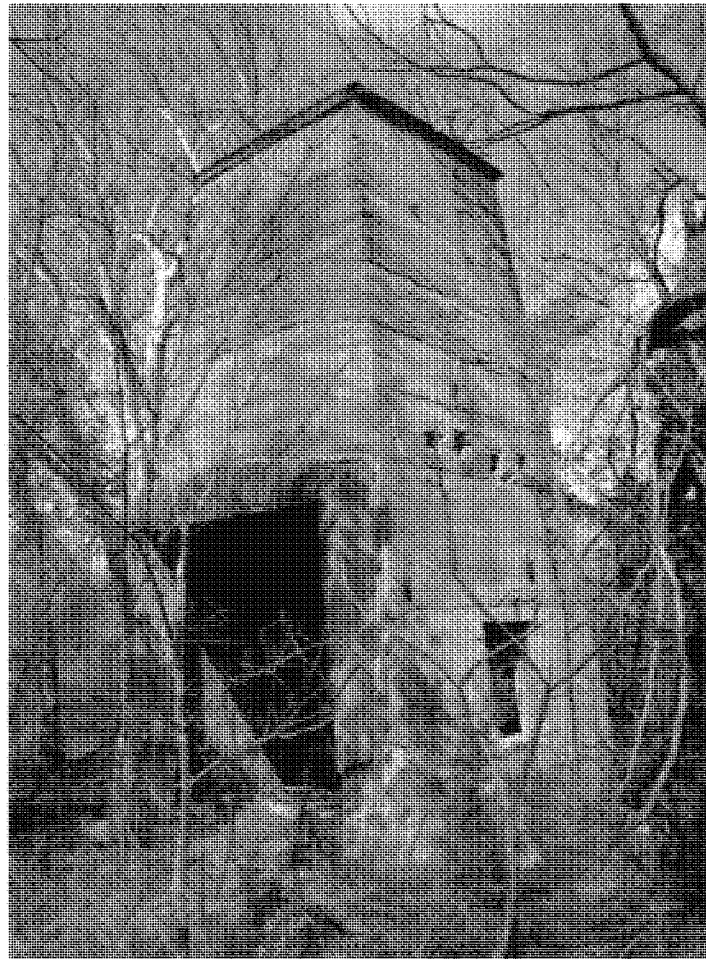


**Figure A-18: St. Mary's of the Quapaw school, Building 8, view south of north façade with upper stairway landing with arched entrance of stairway to lower story. Alcove at right may have been for firewood.**



**Figure A-19: St. Mary's of the Quapaw school, Building 8, view southwest of the east elevation and part of the north façade.**





**Figure A-7: St. Mary's of the Quapaw school, Building 1 (Water Tower).**

Building 1 (Figure A-7) of St. Mary's of the Quapaw school is a poured concrete water tower located near the northeast corner of the Catholic 40 acreage. The seams or interfaces from its various stages of pouring are still visible. It is the northernmost building associated with St. Mary's of the Quapaw school that is still visible. The water tower measures 10 ft. north-south by 11 ft. east-west at base and is constructed of chaterete and has an extant hipped wooden roof. The door opening on the west façade is seven ft. wide and nine ft. tall. A poured concrete decorative pediment surround frames the door opening. There is a square window in the south wall of the first story, and a set of four 4-6 in. openings approximately six feet above the window that appear to have been openings for water pipes from the second story water storage area. Various iron pipe remnants are scattered in and around the tower.



# Catholic 40 Site Remedial Action

- ◆ The EPA had planned to task their primary contractor at Tar Creek, CH2M Hill, to remediate the site.
- ◆ Because of the historical significance of the site to the Tribe, in 2012, the Tribe requested that the EPA fund the Tribe, through a SFCA, to remediate the site.
- ◆ In early 2012, the Tribe's Environmental Department submitted a SFCA application along with a work plan and budget.

(continued)



# Catholic 40 Site Remedial Action

- ◆ After a successful negotiation process, the EPA approved the Tribe's SFCA application in September of 2012.
- ◆ The Tribe's Environmental Department retained the services of a consulting engineering firm to assist in generating plans and specifications, and other pre-construction documents.
- ◆ The Tribe has a construction department, Quapaw Services Authority (QSA), which has performed numerous road and earth-moving projects and employs a number of Tribal members. Consequently, QSA also has heavy earthmoving equipment and a history of local business relationships with local, trucking firms, including Tribal trucking firms.

(continued)

# Catholic 40 Site Remedial Action

- ◆ This capacity, along with the steadily building capacity of the Quapaw Tribal Environmental Office (QTEO), allowed the Tribe to demonstrate its ability to self-perform this RA.
- ◆ After EPA's approval of pre-construction site specific plans and budgets, site work on the Catholic 40 RA began in December of 2013.

# CATHOLIC 40 CLEANUP

BEFORE



AFTER



# CATHOLIC 40 CLEANUP

BEFORE



AFTER



# CATHOLIC

# 40 CLEANUP

BEFORE



AFTER



# CATHOLIC 40 CLEANUP

BEFORE



AFTER





# CATHOLIC 40 CLEANUP

BEFORE



AFTER



# CATHOLIC 40 CLEANUP

BEFORE



AFTER





Message

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**From:** Chancellor, Erin [chancellor.erin@epa.gov]  
**Sent:** 2/16/2018 3:53:29 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**Subject:** Schedule for Next Week  
**Attachments:** SPR Agenda - 02.21.18.docx

Hey Kell,

Realized I have the afternoon schedule, but not the morning for Tar Creek. When are we meeting with Chairman Berrey?

**Monday, February 19, 2018**

- 10:30p – Erin lands at TUL, cab to hotel

**Tuesday, February 20, 2018**

- 7:00am – Kell picks up Erin at Hyatt Regency Tulsa, drive to Miami, OK
- ~8:30am – Arrive Miami, OK
- ??
- 12:00pm-1:00pm – Lunch
- 1:00pm-3:00pm – Meeting with representatives from Miami and Commerce to discuss economic development project and potential acquisition of property and inactive BNSF rail spur that are both part of the Tar Creek Superfund site.
  - Meeting Location:
    - Miami Civic Center; 129 5th Ave NW, Miami, OK; the second floor to the left.
  - Meeting Attendees:
    - EPA Region 6
      - Casey Luckett Snyder, Superfund Redevelopment Coordinator and Tar Creek RPM
      - Blake Atkins, Acting Associate Director, Superfund Division
    - EPA HQ
      - Kell Kelly, Senior Advisor to the Administrator
      - Erin Chancellor, Counsel to the Administrator
    - Local Representatives
      - Dean Kruithof, Miami City Manager
      - Kristi McClain, Miami Economic Development Coordinator
      - Steve Gilbert, Miami Regional Chamber of Commerce, and
      - Tommy Long, City of Commerce
    - ODEQ
      - Brian Stanilla, Tar Creek Project Manager for OU2
      - Amy Brittain, Superfund Site Remediation Manager
- 3:30pm-5:00pm – Site Tour with BIA and Quapaw: Site tour will focus on restricted properties where EPA is requesting the BIA implement institutional controls to ensure long term protectiveness.
  - Site Tour Location:
    - Quapaw Environmental Office, 334 Main Street, Quapaw, OK 74363
  - Site Tour Attendees:
    - EPA Region 6
      - Casey Luckett Snyder, Superfund Redevelopment Coordinator and Tar Creek RPM
      - Blake Atkins, Acting Associate Director, Superfund Division
    - EPA HQ
      - Kell Kelly, Senior Advisor to the Administrator
      - Erin Chancellor, Counsel to the Administrator
    - BIA Miami Agency

- Rhonda Loftin, Deputy Superintendent
  - Quapaw Tribe
    - Tim Kent, Environmental Director
    - Trenton Stand, Realty Director
- ~7:00pm – Arrive in Tulsa

**Wednesday, February 21, 2018**

- ~5:30am – Kell picks up Erin at Hyatt Regency Tulsa (I'm flexible on the time, carrying on and have pre-check so up to you, no preference)
- 6:50am – Flight departs TUL
- 8:31am – Flight lands at IAH
- ~9:20am – Arrive at SPR meeting (approximately 40 minutes from the airport), BP offices, Town Hall Room, 200 Westlake Park Blvd., Houston, TX 77079
  - Agenda attached (FYI it makes my computer run slow when I open it, I can make you a copy of mine if you'd like.)
- 12:24pm-1:45pm – Kell's presentation with Q&A
- ~4:00pm – Maybe we leave for the airport before the final presentation? Again, up to you.
- 4:00pm-4:30pm – Presentation by the dinner sponsor and then the SPR meeting adjourns
- 6:05pm – Flight departs IAH
- 10:03pm EST – Flight lands at DCA

Thanks!

**Erin E. Chancellor**

Counsel to the Administrator  
 U.S. Environmental Protection Agency  
 1200 Pennsylvania Avenue NW  
 MC-1101A, Room 3315A, WJCN  
 Washington, DC 20460  
 (202) 566-1757 (office)

**Ex. 6 - Personal Privacy**

[chancellor.erin@epa.gov](mailto:chancellor.erin@epa.gov)

Message

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**From:** Fonseca, Silvina [Fonseca.Silvina@epa.gov]  
**Sent:** 4/18/2018 4:27:06 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**Subject:** RE: list  
**Attachments:** AEL Updates 4.14.2018 final 6.58 pm revised typo\_.docx

*Silvina Fonseca  
Special Assistant  
Office of the Administrator  
U.S. Environmental Protection Agency  
Desk: 202.564.1955  
Cell: 202.306.6844*

---

**From:** Kelly, Albert  
**Sent:** Wednesday, April 18, 2018 12:18 PM  
**To:** Fonseca, Silvina <Fonseca.Silvina@epa.gov>  
**Subject:** list

Please send me the final copy of the updated Special Emphasis List

Albert Kelly  
Senior Advisor to the Administrator  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
202 306 8830

April 2018 Update to AEL

Strikeout = site removed from list; Red text = site added to list

Site	Reg	City	State	NPL	Upcoming Milestone
Mohawk Tannery	1	Nashua	New Hampshire	P	Currently working on the Engineering Evaluation and Cost Analysis. Plan to have a proposed remedy out for public comment in early Summer 2018. Finalize Non-Time Critical Removal Action Memo by end of the 2018 fiscal year. Currently negotiating a redevelopment agreement with a Prospective Purchaser.
Centredale Manor Restoration Project	1	North Providence	Rhode Island	F	Working toward an agreement with the potentially responsible party.
American Cyanamid Co.	2	Bound Brook	New Jersey	F	Issue Proposed Plan for public comment by the end of Spring 2018.
Diamond Alkali Co. (aka Upper Lower Passaic)	2	Newark	New Jersey	F	Finalize the Remedial Investigation and consider taking early actions.
Ventron/Velsicol (aka Berry's Creek)	2	Wood Ridge Borough	New Jersey	F	Issue Proposed Plan for public comment by the end Spring 2018.
L. A. Clarke & Son	3	Spotsylvania	Virginia	F	Resolved two of three disputed issues with potentially responsible parties over risk assessment and conceptual site model. PRPs have conducted initial sampling, and discussions continue to resolve remaining issues. Remaining issues related to implementation of Work Plan is subject to a deadline for invoking dispute resolution. EPA is waiting for PRP response that they will conduct work or dispute.
Delaware Sand & Gravel Landfill	3	New Castle	Delaware	F	Obtain input on enforcement strategy for quick implementation of the remedy by potentially responsible parties to address groundwater contamination before water supply wells impacted.
B.F. Goodrich	4	Calvert City	Kentucky	F	Public comment period has closed and Region is currently evaluating alternatives based on comments received. EPA plans to issue a signed Record of Decision by Summer 2018.
Mississippi Phosphates Corporation	4	Pascagoula	Mississippi	F	Engineering Evaluation and Cost Analysis was issued to the public for comment. EPA is currently evaluating comments received. Sign a Non-Time Critical Removal Action Memo selecting a remedy.
U.S. Smelter and Lead Refinery, Inc. (aka USS Lead or East Chicago)	5	East Chicago	Indiana	F	Sign Explanation of Significant Difference for OU 1 (Zone 2 and 3) In Operable Unit 1-Zone 1 land use decision, issue Proposed Plan to public for comment in Summer 2018. Complete all soil remediation in Operable Unit 1 - Zone 2 early 2021 and Zone 3 Fall 2018.

Allied Paper, Inc./Portage Creek/Kalamazoo River	5	Kalamazoo	Michigan	F	Complete Otsego Township Dam time critical removal action (in Area 3 of OU5).
St. Regis Paper Co.	5	Cass Lake	Minnesota	F	Determine standard for proposed remedial action; Sign Record of Decision for residential soil cleanup.
Tar Creek (Ottawa County)	6	Ottawa County	Oklahoma	F	Identify and evaluate opportunities to accelerate cleanup. Ensure long term stewardship. Implement institutional controls to protect cleanup.
San Jacinto Waste Pits	6	Channelview	Texas	F	<del>Initiate and complete Remedial Design/Remedial Action negotiations and sign Consent Decree.</del> The Record of Decision was signed on October 11, 2017 that selected the remedial action for the Site. On April 9, 2018 EPA entered into an Administrative Settlement Agreement and Order on Consent with the potentially responsible parties to conduct the remedial design of the remedy.
Des Moines TCE (aka Dico Company)	7	Des Moines	Iowa	F	Complete settlement agreement to support cleanup and redevelopment.
West Lake Landfill	7	Bridgeton	Missouri	F	Complete the public comment process and issue a signed Record of Decision Amendment by the end of the fiscal year 2018.

Bonita Peak Mining District	8	San Juan County	Colorado	F	Issue remediation plan with short- and long-term objectives.
Anaconda Co. Smelter	8	Anaconda	Montana	F	Complete negotiations for implementation of early actions to address human health exposure, followed by site-wide work.
Silver Bow Creek/Butte Area	8	Butte	Montana	F	Administrator's site visit pending in 2018. Move from recent Agreement in Principle to Consent Decree.
Orange County North Basin	9	Fullerton	California	P	Basin-wide groundwater cleanup needed quickly to protect drinking water for millions of residents. Complete public comment process and make final NPL listing decision.
Anaconda Copper Mine	9	Yerington	Nevada	P	<del>State request for deferral of final NPL listing decision. Pursue agreement on deferral decision.</del> On February 5, 2018 EPA Administrator Scott Pruitt and Nevada Governor Brian Sandoval signed a National Priorities List Deferral Agreement to defer the site to Nevada.
Casmalia Resources	9	Casmalia	California	F	Make final cleanup decision and issue Record of Decision.
Portland Harbor	10	Portland	Oregon	F	On December 2017 EPA signed an agreement with the Pre-RD Group to conduct the pre-design investigation and baseline sampling. Field activities are now underway. Negotiate agreements with additional Potentially Responsible Parties to conduct sampling to support remedial design by the end of the calendar year.
Quendall Terminals	10	Renton	Washington	F	Complete the upland pilot study to inform the evaluation of the preferred alternative and issue the Proposed Plan for public comment by end of fiscal year 2018.

NPL Status codes

P = Proposed to the NPL

F = Final on the NPL

D = Deleted from the Final NPL

Message

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**From:** Dieu, Martin [Dieu.Martin@epa.gov]  
**Sent:** 8/2/2017 8:44:08 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**CC:** Nishida, Jane [Nishida.Jane@epa.gov]  
**Subject:** RE: Tulsa conference  
**Attachments:** TLEF Tab1 Overview Coverpage draft.docx

Hello Kell –

Per Jane Nishida, I've attached the current version of the draft overview agenda for the Tribal Lands Environmental Forum. I understand that we will have much more information tomorrow and Friday, including detailed schedules and agenda for the entire TLEF, and will share those with you as soon as I have them.

We will also add you to the invite for the TLEF briefing next week.

Best regards,

Martin

**Martin Dieu**  
*Chief of Staff, Office of International & Tribal Affairs*  
*United States Environmental Protection Agency*  
*mobile: 202-834-8550*  
*office: 202-564-6442*

Begin forwarded message:

**From:** "Nishida, Jane" <Nishida.Jane@epa.gov>  
**Date:** August 2, 2017 at 10:52:17 PM GMT+3  
**To:** "Kelly, Albert" <kelly.albert@epa.gov>  
**Cc:** "Wright, Felicia" <Wright.Felicia@epa.gov>, "Breen, Barry" <Breen.Barry@epa.gov>  
**Subject:** Re: Tulsa conference

Yes, we will send you the entire agenda for TLEF as well as the August 14 agenda.

Sent from my iPhone

On Aug 2, 2017, at 10:42 PM, Kelly, Albert <kelly.albert@epa.gov> wrote:

It would be helpful to have the agenda for the entire conference. I intend to be there a couple days if productive

Albert Kelly  
Senior Advisor to the Administrator  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
202 306 8830

---

**From:** Nishida, Jane  
**Sent:** Wednesday, August 2, 2017 9:52 AM  
**To:** Kelly, Albert <kelly.albert@epa.gov>

**Cc:** Wright, Felicia <[Wright.Felicia@epa.gov](mailto:Wright.Felicia@epa.gov)>; Breen, Barry <[Breen.Barry@epa.gov](mailto:Breen.Barry@epa.gov)>

**Subject:** Re: Tulsa conference

We are excited that you can join us in Tulsa. I have copied Felicia Wright in my office who can send you the draft agenda for August 14, and Barry Breen in OLEM who was preparing draft remarks for Patrick.

Sent from my iPhone

On Aug 2, 2017, at 4:44 PM, Kelly, Albert <[kelly.albert@epa.gov](mailto:kelly.albert@epa.gov)> wrote:

Hello Jane, I am pleased I can join you in Tulsa. I look forward to the program and the trip to Tar Creek. Would you have someone send me the agenda for the Tulsa event please. Also, what would you suggest that I say in my remarks?

Albert Kelly  
Senior Advisor to the Administrator  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
202 306 8830



**2017 TRIBAL LANDS AND ENVIRONMENT FORUM****SCHEDULE OVERVIEW**

<b>SUNDAY, AUGUST 13, 2017</b>		
<b>Time</b>	<b>Event</b>	<b>Location</b>
TBD	Flight to Tulsa, OK Taxi to Hotel (unless car rental requested) Check in to hotel	
<b>MONDAY, AUGUST 14, 2017</b>		
<b>Time</b>	<b>Event</b>	<b>Location</b>
7:15am	Meet in Double Tree/Hyatt hotel lobby	Hotel
	Tar Creek Site Visit	
7:30-930am	Drive from Tulsa to Tar Creek	
9:00- 1030am	Stop 1. Fischer Pile/Intro to Tar Creek	
10:30-11:30am	Stop 2. Catholic 40, Tar Creek, OK	
11:30-1230pm	Stop 3. Lunch with Chairman Berry at Downstream Casino	
1230-230pm	Stop 4. Travel to Douthit Bridge and Distal 10/Distal 12	
230-430pm	Drive Tar Creek to Tulsa, OK	
	BREAK	
6:00pm	Dinner with Tribal Leaders and Representatives from NTC, TWRAP, NTWC, etc.	TBD
<b>TUESDAY, AUGUST 15, 2017</b>		
<b>Time</b>	<b>Event</b>	<b>Location</b>
8:30 am	Meeting with TWRAP, NTC??	TBD
1:30-3:00pm	Opening Plenary	Tulsa Ballroom
<b>WEDNESDAY, AUGUST 15, 2017</b>		
<b>Time</b>	<b>Event</b>	<b>Location</b>
10:30 am	Tribal Superfund Working Group Meeting	Utica Room

Message

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**From:** Darwin, Veronica [darwin.veronica@epa.gov]  
**Sent:** 1/4/2018 2:54:37 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**Subject:** FW: December A3s Completed  
**Attachments:** Goal 4 Activities Reporting\_FY18Q1\_122017.docx

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**From:** Duteau, Helen  
**Sent:** Friday, December 29, 2017 10:48 AM  
**To:** Darwin, Veronica <darwin.veronica@epa.gov>  
**Cc:** Woolford, James <Woolford.James@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Adams, Elizabeth <Adams.Elizabeth@epa.gov>; Fitz-James, Schatzi <Fitz-James.Schatzi@epa.gov>; Avvisato, Frank <Avvisato.Frank@epa.gov>; Friedland, Melissa <Friedland.Melissa@epa.gov>; Denman, Bill <Denman.Bill@epa.gov>; Field, Julia <Field.Julia@epa.gov>  
**Subject:** December A3s Completed

Hi Veronica,

The A3s for Goal 4 have been uploaded the SharePoint site. Also, attached FYI is a draft summary of first quarter accomplishments for Goal 4. Please let us know if you think this will be useful to you going forward. Thanks and have a Happy New Year!

Helen DuTeau, Chief  
Community Involvement & Program Initiatives Branch  
Office of Superfund Remediation and Technology Innovation  
U.S. Environmental Protection Agency  
703-603-0263 (office) | 703-517-9918 (mobile)  
[duteau.helen@epa.gov](mailto:duteau.helen@epa.gov)

Message

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**From:** Stalcup, Dana [Stalcup.Dana@epa.gov]  
**Sent:** 8/1/2017 12:24:14 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**CC:** Woolford, James [Woolford.James@epa.gov]  
**Subject:** RE: July 15, 2017 Indiana Harbor CDF & USS Lead Superfund Meetings

Not sure if you had received an update, but our folks are working with Region 5 who are preparing some info for you. Apparently, this gentleman is well known within the Region. Should see something in the next day or two, as I understand it. - Dana

Dana Stalcup  
Deputy Director  
OLEM/Office of Superfund Remediation and Technology Innovation (OSRTI)  
Desk – 703-603-8702  
Cell – 202-309-5473  
Follow us on Twitter @EPALand

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**From:** Kelly, Albert  
**Sent:** Friday, July 28, 2017 8:25 AM  
**To:** Stalcup, Dana <Stalcup.Dana@epa.gov>  
**Cc:** Woolford, James <Woolford.James@epa.gov>  
**Subject:** RE: July 15, 2017 Indiana Harbor CDF & USS Lead Superfund Meetings

I don't want to waste people's time. This gentleman lambasts us in public with this information. He has convinced the public that we are not characterizing the site correctly. Primarily that we have not tested deeply enough and that there are as he asserts 'millions of pounds of lead slag' in the former swales and that this is undocumented and as he says a bigger disaster than Flint,. So, I am just looking for some points to refute him. Did we test deeply. Knowing that lead in colder climates may move upward-don't know how fast- do we know or does it matter what may be down there. I just need some talking points. Sec Carson is going to East Chicago on the 7<sup>th</sup> along with the Governor.

Albert Kelly  
Senior Advisor to the Administrator  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
202 306 8830

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**From:** Stalcup, Dana  
**Sent:** Thursday, July 27, 2017 4:00 PM  
**To:** Kelly, Albert <kelly.albert@epa.gov>

**Cc:** Woolford, James <[Woolford.James@epa.gov](mailto:Woolford.James@epa.gov)>

**Subject:** RE: July 15, 2017 Indiana Harbor CDF & USS Lead Superfund Meetings

Wow, there are a wide variety of issues addressed in the paper, including historical and more recent perspectives on the toxicity of lead and arsenic, the legal and industrial history at this site, activities at other Superfund sites, and a variety of statutory authorities that might have some impact. We would have to pull in a number of people/perspectives to provide you a thorough analysis. We would likely involve the Region, as well as other Regions that have sites identified, and several folks within HQ, mostly in OLEM but also possibly in other offices. I have copied Jim to see if he has any other thoughts.

OSRTI would be happy to reach out to the right people and pull info together, if that would help. What is your timeframe?

Let us know; thanks - Dana

Dana Stalcup  
Deputy Director  
OLEM/Office of Superfund Remediation and Technology Innovation (OSRTI)  
Desk – 703-603-8702  
Cell – 202-309-5473  
Follow us on Twitter @EPALand

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**From:** Kelly, Albert  
**Sent:** Thursday, July 27, 2017 3:32 PM  
**To:** Stalcup, Dana <[Stalcup.Dana@epa.gov](mailto:Stalcup.Dana@epa.gov)>  
**Subject:** FW: July 15, 2017 Indiana Harbor CDF & USS Lead Superfund Meetings  
**Importance:** High

This is on East Chicago. Would you identify someone to give me a bullet point analysis of this

Albert Kelly  
Senior Advisor to the Administrator  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
202 306 8830

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**From:** Larry Davis [<mailto:lad@netnitco.net>]  
**Sent:** Wednesday, July 26, 2017 7:15 PM  
**To:** Kelly, Albert <[kelly.albert@epa.gov](mailto:kelly.albert@epa.gov)>  
**Cc:** 'Larry Davis' <[lad@netnitco.net](mailto:lad@netnitco.net)>; 'Maritza Lopez' <[mari.ml798@gmail.com](mailto:mari.ml798@gmail.com)>; 'Rev. Cheryl Rivera' <[rev.rivera@live.com](mailto:rev.rivera@live.com)>; 'Thomas Frank' <[thomas@thomasfrank.org](mailto:thomas@thomasfrank.org)>; 'Akeeshea Daniels' <[msatd1@att.net](mailto:msatd1@att.net)>; 'Sara Lynn' <[slpcleaning@att.net](mailto:slpcleaning@att.net)>; 'Tara Adams' <[adamstm11@yahoo.com](mailto:adamstm11@yahoo.com)>; 'Mary Poe' <[mpoe59@gmail.com](mailto:mpoe59@gmail.com)>; 'Lori' <[lalocklear@aol.com](mailto:lalocklear@aol.com)>; 'Elbert Williams' <[elbertwilliams39@gmail.com](mailto:elbertwilliams39@gmail.com)>; 'raymond mosley' <[raymosley074@gmail.com](mailto:raymosley074@gmail.com)>; 'Sarah Willis' <[sarahdaviswillis@gmail.com](mailto:sarahdaviswillis@gmail.com)>; [robert.willis27@yahoo.com](mailto:robert.willis27@yahoo.com); 'Byron Duke Florence' <[byrondukeflorence@gmail.com](mailto:byrondukeflorence@gmail.com)>; 'Byron Florence' <[dukeF81@gmail.com](mailto:dukeF81@gmail.com)>; [Jdwb2@hotmail.com](mailto:Jdwb2@hotmail.com);

[ezellfoster20@yahoo.com](mailto:ezellfoster20@yahoo.com); 'Pamela Berry' <[mmpberry@gmail.com](mailto:mmpberry@gmail.com)>; 'Michael Jacobi' <[coby112285@gmail.com](mailto:coby112285@gmail.com)>; 'Deborah Gail Musiker' <[debbie.m.chizewer@law.northwestern.edu](mailto:debbie.m.chizewer@law.northwestern.edu)>; 'Waikar, Anjali' <[AWAIKAR@nrdc.org](mailto:AWAIKAR@nrdc.org)>; 'Geertsma, Meleah' <[mgeertsma@nrdc.org](mailto:mgeertsma@nrdc.org)>; 'Templeton, Mark' <[templeton@uchicago.edu](mailto:templeton@uchicago.edu)>; 'Emily Coffey' <[emilycoffey@povertylaw.org](mailto:emilycoffey@povertylaw.org)>; 'Kate Walz' <[katewalz@povertylaw.org](mailto:katewalz@povertylaw.org)>; 'Gilman, Emily D.' <[Emily.Gilman@goldbergkohn.com](mailto:Emily.Gilman@goldbergkohn.com)>; 'Chizewer, David' <[david.chizewer@goldbergkohn.com](mailto:david.chizewer@goldbergkohn.com)>; 'Samuel Henderson' <[SHenderson@hecweb.org](mailto:SHenderson@hecweb.org)>

**Subject:** RE: July 15, 2017 Indiana Harbor CDF & USS Lead Superfund Meetings

**Importance:** High

July 27, 2017

To: Mr. Albert Kelly  
Senior Advisor to the Administrator  
Office of the Administrator  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
(202) 564-5086  
(202) 306-8830  
< [kelly.albert@epa.gov](mailto:kelly.albert@epa.gov) >

From: Larry Davis  
268 S 600 W  
Hebron, Indiana 46341  
(219) 988-4843 H.  
(219) 488-6052 M.  
< [lad@netnitco.net](mailto:lad@netnitco.net) >

RE: July 15, 2017 Indiana Harbor CDF & USS Lead Superfund Meetings

Dear Mr. Kelly,

I want to personally thank you for enduring the five hours of toxic tribulations you witnessed Saturday July 15, 2017 in East Chicago, Indiana. This correspondence is entirely my own as a concerned taxpaying citizen I am not representing an organization.

I hope that you realize as I do that Superfund is broken and is failing to protect people of the United States from toxic wastes and their adverse health impacts.

In East Chicago we see the generational damage that chronic toxic waste exposure has produced. A community of color where children evacuated from one school built on the USS Lead Superfund site are relocated to a school that is one-third of a mile from where the United States Environmental Protection Agency (US EPA) and the United States Army Corps of Engineers (USACE) are creating the largest Dioxin & Polychlorinated biphenyl (PCBs) land disposal facility in the Great Lakes – most likely a future toxic waste Superfund site for Northwest Indiana...

I would like to provide you with some background on topic starting with the USS Lead Superfund site.

The ancient Greeks recognized Lead and Arsenic as poison over 2,200 years ago – anyone involved in this industry in East Chicago, Indiana saying that they did not know the hazards and risks of Lead and Arsenic are being deceitful...

The State of Indiana first discovered Lead contamination in 1985 with sample results with Lead levels “as high as 594,420 mg Pb/g (ppm)” parts per million (ppm) – in other words, over half Lead content in the soil off-site of the USS Lead Refinery’s property.

This was followed up with sampling by US EPA which confirmed extremely high levels of Lead in the soil of the West Calumet area of East Chicago, Indiana.

In 1989 representatives for USS Lead Refinery signed a Partial Interim Agreed Order in Cause No. N-296 Indiana Department of Environmental Management (IDEM) versus USS Lead Refinery.

The Agreed Order required the company to conduct sampling and analysis for: “...all contaminated areas to determine the extent, area, and depth of contamination” and implement a cleanup plan that: “addresses what remedial action will be performed to ensure the removal of all contamination.”

Today the US EPA, HUD, and the responsible parties are not providing anything close to what the company originally agreed to do in 1989.

All the decision making surrounding the USS Lead Superfund site has only been based upon what was considered a toxic particulate aerial deposition contamination event as a result of Lead smelting and alloying process smoke stacks and toxic dust from waste piles blowing with the wind...

We know that the West Calumet Housing Complex has extremely high levels of Lead in soil and inside homes with test results at 92,000 ppm Lead and 32,000 ppm Lead respectively. And we know the ground water there tests at 16,000 ppm Lead.

We know that millions of tons of Lead products were produced over the decades by the Lead industry operating in East Chicago, Indiana and that subsequently production of toxic wastes in the forms of dusts, slag, and dross were also generated by the millions of tons over time.

This toxic waste was dumped in nearby swamp – dune and swale topography consisting of twenty to thirty foot tall heavily vegetated sand dunes separated by low areas (swale) of wetlands similar to what can still be observed in nearby natural areas.

US EPA and the United States Department of Housing and Urban Development (HUD) have not identified where the millions of tons of these toxic wastes are located even though historical photographs clearly illustrate the land filling of the area over time.

Groundwater sampling is planned by US EPA without yet having identified any source(s) of contamination which is required to properly design a valid groundwater model and sampling plan. This is a waste of resources since we already know the groundwater at West Calumet tested at 16,000 ppm Lead. Sources of contamination must be identified first and a properly designed groundwater sampling and analysis plan needs to be implemented.

Currently US EPA and HUD plan to pay contractors to dig up the USS Lead Superfund site in the West Calumet Housing Complex three times:

- 1) Contractors paid to remove and stockpile contaminated soil during utility removal,
- 2) Contractors paid to replace the contaminated soil back into the utility excavations, and
- 3) Contractors paid to remove up to two feet of contaminated soil or implement some other interim or final remedy as selected by US EPA.

All these U.S. taxpayer dollars spent and contractor activity taking place on a toxic waste Superfund site and we still will not achieve any permanent remedy or complete cleanup of West Calumet. This is an outrageous squandering of tax dollars!

How many times does the federal government have to pay contractors to dig in the toxic soils found in the USS Lead Superfund site before we actually get a complete cleanup?

In fact, the money spent so far in not achieving a permanent remedy could have provided an equitable and just means for churches, businesses, property owners, and renters to move as a community to a clean & healthy area away from the USS Lead Superfund site.

Parallels between the infamous Love Canal toxic waste catastrophe In New York and the USS Lead Superfund site in Indiana include:

- 1) Residents are unaware of living on top of or adjacent to toxic wastes;
- 2) Children chronically exposed to contaminated dusts, soils, and waters;
- 3) Toxic waste contamination in schools, parks, and playgrounds;
- 4) Severely contaminated groundwater is documented and toxic contaminants are seeping into basements and drainage systems;
- 5) A portion of the Superfund site was forced to evacuate while other people are forced to remain behind in a known toxic waste contaminated environment;
- 6) Residents are told that it is safe to remain during demolition and emergency removal actions and are given false impressions of a permanent cleanup and restoration of their properties.

US EPA contractors are involved in an Emergency Removal Action only removing soil down to two feet deep at residences and parks. However US EPA in local public meetings speak of "Cleanups" and "Restoration" when in reality the Emergency Removal Action entails leaving areas under: sidewalks, patios, shrubs & trees, etc. unaddressed and ignores areas of visible contamination e.g. large chunks of slag found in parks and yards that are subsequently reburied by topsoil and sod even though visible contamination removal is required in USS Lead Superfund site's consent decree.

The lessons learned at the Love Canal and Tar Creek Superfund sites seem to have been lost and forgotten when it comes to East Chicago, Indiana.

No one in the United States of America should have to live on a toxic waste Superfund site.

The Superfund Amendments and Reauthorization Act (SARA): SARA requires U.S. EPA to give preference to and use permanent solutions and alternative treatment technologies “to the maximum extent practicable” with “reductions in volumes, mobility, and toxicity” of the wastes.

The only sure way to ensure toxic waste risk reduction is to eliminate the hazard.

And the only sure way to eliminate toxic waste liabilities for both the responsible parties and the community is to achieve a permanent cleanup. You might ask how clean?

“Moving hazardous waste from one hole in the ground to another is the non-solution that was behind SARA’s preference for permanent cleanup.” – U.S. Congress, Office of Technology Assessment (OTA)

“OTA considers that a site has been permanently cleaned up when the contamination that was the cause of high enough risk to warrant cleanup (either current or future risk) is rendered irreversibly harmless through destruction (e.g., incineration or biological treatment) or recovery and reuse of the hazardous substances (e.g., recovery of lead from contaminated soil and buried battery casings)” – U.S. Congress, Office of Technology Assessment

“Cost-benefit thinking allows nearly any kind of cleanup decision to be rationalized and undermines the environmental goals of Superfund. Cost-benefit reasoning backs up the selection of impermanent remedies because of excessive flexibility in cleanup goals.” – U.S. Congress, Office of Technology Assessment

“Impermanent remedies results in: “Spending on cleanup remedies which are unlikely to be permanent, leading to more spending in the long term for re-cleanups and perhaps posing exposures, risks, and damage to health and environment.” – U.S. Congress, Office of Technology Assessment

“...certain kinds of action are inconsistent with permanence, including any form of land disposal or containment, and any use of engineering or institutional controls, including long term monitoring for releases. All of these mean:

- 1) Site hazardous material remains hazardous;
- 2) There is uncertainty about releases of hazardous material and, therefore, risks to health and environment; and
- 3) There are a host of uncontrollable possible future events which might compromise the effectiveness of the protection.



“...OTA disagrees with the notion that land disposal or engineering or institutional controls provide a “degree of permanence.” What varies is the level of protection provided by different cleanup technologies and methods, not the degree of permanence. To tell the public that a remedy is permanent for perhaps a decade does not build public confidence.” – U.S. Congress, Office of Technology Assessment

Our government must provide an equitable and just means for churches, businesses, property owners, and renters to move as a community to a clean & healthy area away from the USS Lead Superfund site based upon the needs of the community.

Select a permanent remedy that ensures unrestricted and safe use of the land in the future – that will actually be a complete cleanup and restoration of the land and groundwater.

By comparison look what US EPA did in Pitcher, Oklahoma, at the Tar Creek Superfund site where “...EPA and the state of Oklahoma agreed to a mandatory evacuation and buyout of the entire township. The similarly contaminated satellite towns of Treece, Kansas and Cardin, Oklahoma were included in the Tar Creek Superfund site.”

“EPA/HUD Joint Statement on the Picher, Oklahoma, Housing Authority

Release Date: 01/26/2009

Contact Information: Dave Bary or Anthony Suttice at 214-665-2200 or < [r6press@epa.gov](mailto:r6press@epa.gov) >

(Dallas, Texas – January 26, 2009) Officials of the Regional offices of the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Housing and Urban Development (HUD) are working together to ensure that families living in the Picher area are not adversely affected by the Tar Creek Superfund site. EPA and HUD support the voluntary relocation of residents currently under way.”

Metal Smelters are always a concern due to the nature of the toxic wastes produced by smelting and alloying processes. The people within the Tar Creek Superfund site were bought out but where toxic metal was smelted and alloyed in East Chicago, Indiana people have been left behind to suffer more chronic exposures to toxic wastes...

When a person can safely grow a garden without worry about being poisoned and feed themselves and their family then it's clean enough.

When a person can safely drill a well without worry about being poisoned and use that source of fresh water safely then it's clean enough. This level of clean also would ensure that any basements with water seepage would be free from toxic contamination.

With respect to the Indiana Harbor and Canal (IHC) dredging operations and Indiana Harbor Confined Disposal Facility (CDF) operations the phrase: “making matters worse” comes to mind...

Once again we see federal contractors involved in an impermanent removal action and failing containment strategy involving toxic wastes which are untreated and open dumped into a land

disposal facility that does not meet current federal and state laws and regulations for: Siting, Design, Construction, or Operation of a Toxic Substances Control Act (TSCA) chemical landfill.

We are witnessing the next toxic waste Superfund site being created before our own eyes and it does not begin to eliminate toxic threats to public health here in Northwest Indiana in fact it adds more Risk to adults and children who's health is already in jeopardy with a 310 in one million cancer risk due to current levels of pollution...

US EPA's normal acceptable risk level is 1 in one million cancer Risk.

Commonsense would tell you that a single toxic volatile chemical could not possibly represent the vast number of hazards and risks known to be present in the heavily contaminated toxic Dioxin & PCB laced IHC sediments that are being dredged up by the United States Army Corps of Engineers (USACE) and then open dumped one third of a mile from schools, parks and residences in East Chicago, Indiana.

These toxic sediments have been describe as; "among the most contaminated and toxic that have ever been reported."

And as ridiculous as it may sound, that single chemical is: Naphthalene, commonly known as traditional mothballs – a solid white crystalline chemical that has vapors heavier than air and evaporates very slowly making it less likely to be detected given the way USACE is conducting their single chemical air pollution monitoring.

One definition of "mothball" is: "a state of having been rejected for further use or dismissed from further consideration."

That definition precisely describes how people's concerns over further poisoning of their community are being dismissed from consideration by USACE, US EPA, and the Indiana Department of Environmental Management (IDEM).

The USACE has failed for over four decades to come up with anything better than dredging up heavily contaminated toxic waste laced with Dioxin & PCBs and open dumping it next to schools, parks and residences – something that if anyone else did would make themselves subject to criminal prosecution under the law.

The fraudulent scheme USACE and US EPA are using considers the hazard and risk posed by mothballs alone in calculating an "Acceptable Risk" to people's health – this is not representative of all the Risks in the highly contaminated toxic IHC sediments.

And Real Time Monitoring only for mothballs ensures that the true extent of the releases of toxic volatile chemicals, including Dioxin & PCBs, during dredging, debris separation, and disposal operations will never be adequately monitored or reported to the public.

Commonsense tells you that the real hazards and risks are far greater than just mothballs and that current operational practices are far from being acceptable for the heavily contaminated toxic Dioxin & PCB sediments being disturbed and dumped.

Real Time Monitoring must use state-of-the-art technology which is capable of monitoring for all toxic volatile chemical air pollution during dredging and disposal operations to ensure protection of public health and safety in Northwest Indiana.

As opposed current uncontrolled open air practices, heavily contaminated debris separation and toxic sediment handling must take place in an enclosed process that ensures zero discharge of toxic volatile chemicals into Northwest Indiana's air.

Current USACE plans include leaving 45% to 55% of the most heavily contaminated Dioxin & PCB sediments exposed in place in the IHC after dredging and covering with a gravel cap. The PCBs will still be in the water column as they volatilize from the highly contaminated exposed sediments which are now destabilized by incomplete dredging.

To stop the release of these toxins into Lake Michigan all of heavily contaminated toxic Dioxin & PCB IHC sediment must be dredged to a clean bottom for the entire IHC regardless of the extent of USACE's navigational boundaries. The USACE started this process and now must own the situation they have created in making matters worse by destabilizing toxic sediments in the IHC and increasing the spread of toxins into our air, water and land.

All debris and toxic sediments must be detoxified before land disposal to eliminate future toxic liability for both the polluting companies and the community's health – combinations of technologies to effectively do this have been around for decades (but due to length of this correspondence that is a subject for another discussion...).

Sincerely;

Larry Davis  
268 S 600 W  
Hebron, Indiana 46341  
(219) 488-6052  
(219) 988-4843  
< [lad@netnitco.net](mailto:lad@netnitco.net) >

P.S. More details or references for any above information are available upon request.

**To:** Kelly, Albert[kelly.albert@epa.gov]  
**Cc:** Ex. 6 - Personal Privacy  
**From:** John Berrey  
**Sent:** Fri 3/23/2018 7:35:02 PM  
**Subject:** priority list i left with Ryan  
Tar Creek Superfund Site Priorities March 2018 R1.docx

Kel,

Here is the list and I will send you some data from our discussion. Thank you for all you do.

- Chat Piles
- Railroad Spur
- Speed up Tar Creek work.

John L Berrey  
Chairman Quapaw Tribe Business Committee  
Downstream Development Authority

## Tar Creek Superfund Site

### Quapaw Tribe Priority List

March 2018

\*Oklahoma Department of Environmental Quality needs to be consistently funded 2018 and each year thereafter so that cleanup projects on non-restricted property can keep up with the clean up on restricted properties. \$5 Million per year should be allocated to keep state managed projects moving forward. The Elm Creek Site is the main project that will need to be funded from 2018 through 2020. This is a phased site project that will take several years to complete. When work stops, it's very expensive to start back up.

\*Quapaw Tribe needs funding to be consistent funded in 2018 and each year thereafter to keep work moving at a consistent pace. A minimum of \$10 Million per year should be allocated to keep restricted property clean up moving forward at Tar Creek Superfund Sites.

Clean up sites included in the current 5-year plan include: Distal 10, Distal 12, CB 199, St Louis Chat Pile, Ritz Chat Pile, Lucky Bill Chat Pile, Bird Dog Pile

\*Funding needs to be ear marked for the Operable Unit 4 chat in stream clean up. No funding has been allocated for this work to date. This would have the immediate effect of stopping constant heavy metal loading into Tar Creek and ultimately into Grand Lake.

\*Funding needs to allocate to ODEQ for Operable Unit 2 residential yard clean up work. Work has been progressing slowly and no funding has been allocated this year yet.

\*EPA should consider buying the rest of the Restricted chat, or fund the Tribe to purchase it. This would get BIA out of the process and have the effect of significantly reducing cleanup costs while also significantly expediting cleanup (EPA/taxpayer would likely more that recoup cost of purchasing chat).

\* Funding needs to be allocated for a feasibility study to be conducted to explore the potential for a large wetland, or series of wetlands, to be constructed for the central core of the Tar Creek mining area once chat is removed from streams. This is already working to cleanup mine discharges in smaller portions of the site. This would also help control flooding which occurs regularly in the Tar Creek area.

**To:** Kelly, Albert[kelly.albert@epa.gov]  
**From:** Epp, Timothy  
**Sent:** Fri 3/23/2018 5:30:52 PM  
**Subject:** NY action delayed

Kell,

## Ex. 5 - Deliberative Process

Tim

Timothy R. Epp

Assistant General Counsel  
International Environmental Law  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel. 202-564-2830

**From:** Epp, Timothy  
**Sent:** Thursday, March 22, 2018 9:41 AM  
**To:** Kelly, Albert <kelly.albert@epa.gov>  
**Subject:** RE: EPA Morning News Highlights 03.21.18

## Ex. 5 - Deliberative Process

Timothy R. Epp

Assistant General Counsel  
International Environmental Law  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel. 202-564-2830

**From:** Kelly, Albert

**Sent:** Thursday, March 22, 2018 9:38 AM  
**To:** Epp, Timothy <Epp.Timothy@epa.gov>  
**Subject:** RE: EPA Morning News Highlights 03.21.18

## Ex. 5 - Deliberative Process

Albert Kelly

Senior Advisor to the Administrator

1200 Pennsylvania Avenue, NW

Washington, DC 20460

Ex. 6 - Personal Privacy

**From:** Epp, Timothy  
**Sent:** Thursday, March 22, 2018 9:35 AM  
**To:** Kelly, Albert <kelly.albert@epa.gov>  
**Subject:** RE: EPA Morning News Highlights 03.21.18

I am talking with the Region 2 POC at 10 and this is on my topic list.

## Ex. 5 - Deliberative Process

Tim

Timothy R. Epp

Assistant General Counsel  
International Environmental Law  
Office of General Counsel

U.S. Environmental Protection Agency  
Tel. 202-564-2830

**From:** Kelly, Albert  
**Sent:** Thursday, March 22, 2018 9:21 AM  
**To:** Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>  
**Subject:** FW: EPA Morning News Highlights 03.21.18

Do we have any involvement in the NYC issue listed below?

Albert Kelly

Senior Advisor to the Administrator

1200 Pennsylvania Avenue, NW

Washington, DC 20460

Ex. 6 - Personal Privacy

**From:** Hewitt, James  
**Sent:** Wednesday, March 21, 2018 9:07 AM  
**To:** Shimmin, Kaitlyn <[shimmin.kaitlyn@epa.gov](mailto:shimmin.kaitlyn@epa.gov)>; Beach, Christopher <[beach.christopher@epa.gov](mailto:beach.christopher@epa.gov)>; Block, Molly <[block.molly@epa.gov](mailto:block.molly@epa.gov)>; Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>; Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>; Konkus, John <[konkus.john@epa.gov](mailto:konkus.john@epa.gov)>; Ferguson, Lincoln <[ferguson.lincoln@epa.gov](mailto:ferguson.lincoln@epa.gov)>; McMurray, Forrest <[mcmurray.forrest@epa.gov](mailto:mcmurray.forrest@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>; Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>; Abboud, Michael <[abboud.michael@epa.gov](mailto:abboud.michael@epa.gov)>; Daniell, Kelsi <[daniell.kelsi@epa.gov](mailto:daniell.kelsi@epa.gov)>; Hanson, Paige (Catherine) <[hanson.catherine@epa.gov](mailto:hanson.catherine@epa.gov)>; Letendre, Daisy <[letendre.daisy@epa.gov](mailto:letendre.daisy@epa.gov)>; Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Beck, Nancy <[Beck.Nancy@epa.gov](mailto:Beck.Nancy@epa.gov)>; Wehrum, Bill <[Wehrum.Bill@epa.gov](mailto:Wehrum.Bill@epa.gov)>; Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>; Bodine, Susan <[bodine.susan@epa.gov](mailto:bodine.susan@epa.gov)>; Ross, David P <[ross.davidp@epa.gov](mailto:ross.davidp@epa.gov)>; Leopold, Matt <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>; Yamada, Richard (Yujiro) <[yamada.richard@epa.gov](mailto:yamada.richard@epa.gov)>; Kelly, Albert <[kelly.albert@epa.gov](mailto:kelly.albert@epa.gov)>; Lyons, Troy <[lyons.troy@epa.gov](mailto:lyons.troy@epa.gov)>  
**Subject:** EPA Morning News Highlights 03.21.18



## **EPA Morning News Highlights 03.21.18**

### **Tulsa World: EPA Administrator Scott Pruitt says lack of clean up of Tar Creek Superfund site is 'unacceptable'**

Administrator Scott Pruitt of the U.S. Environmental Protection Agency said his new push on the nation's Superfund program finally can provide clarity and accountability to the Tar Creek area, for decades one of the oldest, largest and most complex toxic sites in the nation. "It is really unacceptable," Pruitt said as he recalled the history of the Tar Creek area in far northeastern Oklahoma, whose Superfund legacy dates back to 1983, as well as the amount of money and time deployed there. "You don't list a site in the mid-1980s and you don't take the kind of steps we have taken historically and still have issues today in 2018." The area in Ottawa County is contaminated by lead and other heavy metals from long-closed mining operations and is undermined with caverns that are prone to cave-ins. The Picher and Cardin communities were bought out by a federal program and are now ghost towns, but the mine wastes remain.

### **Hot Air: EPA Ends The Use Of "Secret Science" In Crafting Regulations**

Just in case liberals didn't already have enough reasons to pin EPA Administrator Scott Pruitt's picture to their dart boards, he's just rolled out another policy change which will force the "party of science" to rely on actual science when pushing for regulatory changes. Promising to eliminate "secret science" in EPA deliberations, Pruitt is ordering all scientific studies used when considering new regulations to include publicly available data and methodologies. This was announced in an exclusive interview with The Daily Caller News Foundation.

### **Detroit News: EPA chief wants to eradicate lead from drinking water**

The head of the Environmental Protection Agency says eradicating lead from drinking water is one of his top priorities three years after the Flint water crisis, and he's worried Americans aren't "sufficiently aware" of the threat. "I really believe that we ought to set a goal as a country that, over the next 10 years, that we ought to work with respect to investments in our infrastructure to eradicate lead in our drinking water," EPA Administrator Scott Pruitt told reporters this week at the agency's headquarters. "It can be achieved. Some of the mental-acuity levels of our children are being impacted adversely as a result of this." Pruitt is concerned that parents and citizens don't understand the threat of lead in drinking water or toys, and "we're looking at ways we can contribute to that dialogue," he said, according to an audio recording provided by the New York Post.

### New York Post: EPA head calls for 'coordinated' response to NYC lead crisis

EPA Administrator Scott Pruitt called for a “coordinated” response between New York State and City officials to address the ongoing lead crisis. Asked whether federal intervention is needed to protect New York children and tenants from lead poisoning, the Environmental Protection Agency chief urged action on all fronts. “I think a local, state and federal response that is very coordinated and collaborative is terribly important,” Pruitt said in an interview. “We each play a role. I’d love to see steps taken at the local level to invest.” Gov. Cuomo already announced an emergency declaration for New York Housing Authority buildings and pledged an additional \$250 million for upgrades. But heated public squabbles over resources and responsibility with rival Mayor de Blasio have complicated progress.

### The Philadelphia Inquirer: Philly has a smog problem. Will Scott Pruitt's EPA say so?

Whether Philadelphia is violating the federal Clean Air Act remains in bureaucratic limbo. Despite deadlines, the EPA has refused to say whether Philadelphia and some other cities, including Pittsburgh, have met a 2015 benchmark of 70 parts per billion or less of ground-level ozone in the ambient atmosphere. Being out of compliance, or in “nonattainment,” has a real-world impact on the state, city, businesses and industry, and even motorists through increased regulation and funding. The EPA was supposed to state whether Philadelphia was in compliance by last Oct. 1. Last week, a federal court ruled that the EPA, under its administrator, Scott Pruitt, broke the law by missing the deadline, and gave the EPA until April. On Monday, Pruitt’s office said it would meet the deadline.

### **National Morning News Highlights 03.21.18**

#### Politico: Congress struggles to clinch spending deal

Congressional leaders are racing to finalize a spending bill by the end of Tuesday but find themselves still at odds over a host of controversial issues — delaying plans to unveil the proposal and raising the prospect of weekend votes to avoid a shutdown. Democrats, Republicans and the White House battled late into the night Monday and into Tuesday afternoon over whether to include provisions on President Donald Trump’s border wall, a massive New York infrastructure project and the special counsel’s Russia investigation, according to lawmakers and aides in both parties. There were still a number of unresolved issues as of Tuesday evening, and multiple sources were pessimistic that negotiators would reach a deal in time to release the bill before Wednesday.

## Wall Street Journal: Trump to Ramp Up Trade Restraints on China

The White House is preparing to crack down on what it says are improper Chinese trade practices by making it significantly more difficult for Chinese firms to acquire advanced U.S. technology or invest in American companies, individuals involved in the planning said. The administration plans to release on Thursday a package of proposed punitive measures aimed at China that include tariffs on imports worth at least \$30 billion. But the tariffs won't be imposed immediately. Rather, U.S. industry will be given an opportunity to comment on which products should be subject to the duties. As part of the package, the White House will announce possible investment restrictions by Chinese firms in the U.S. and will direct the Treasury Department to outline rules governing investment from China.

## TRUMP TWEETS

## Tulsa World

[http://www.tulsaworld.com/homepagelatest/epa-administrator-scott-pruitt-says-lack-of-clean-up-of/article\\_4a3e4982-569e-5023-8141-392ebe629a65.html](http://www.tulsaworld.com/homepagelatest/epa-administrator-scott-pruitt-says-lack-of-clean-up-of/article_4a3e4982-569e-5023-8141-392ebe629a65.html)

### **EPA Administrator Scott Pruitt says lack of clean up of Tar Creek Superfund site is 'unacceptable'**

By: Jim Myers, 3/21/18

Administrator Scott Pruitt of the U.S. Environmental Protection Agency said his new push on the nation's Superfund program finally can provide clarity and accountability to the Tar Creek area, for decades one of the oldest, largest and most complex toxic sites in the nation.

"It is really unacceptable," Pruitt said as he recalled the history of the Tar Creek area in far northeastern Oklahoma, whose Superfund legacy dates back to 1983, as well as the amount of money and time deployed there.

“You don’t list a site in the mid-1980s and you don’t take the kind of steps we have taken historically and still have issues today in 2018.”

The area in Ottawa County is contaminated by lead and other heavy metals from long-closed mining operations and is undermined with caverns that are prone to cave-ins. The Picher and Cardin communities were bought out by a federal program and are now ghost towns, but the mine wastes remain.

Pruitt blamed inconsistency, even within the EPA’s 10 regions, as well as a lack of attention and focus, for slowing remediation outcomes.

“It is one of the things that seemed to be languishing as we arrived,” Pruitt said, making it clear that the lack of urgency was something he found “palpable” at Superfund sites across the country.

“When it takes you 27, 28 years to make a decision — make a decision, not clean it up, not remediate, but make a decision on how you are going to remediate — that is unacceptable.”

His comments came during one of several reporter roundtables he has been holding at the EPA’s headquarters to mark his first year as administrator, during which he also became a leading voice in the Trump administration’s major push on regulation reform.

Those efforts have prompted applause from his supporters and alarm from his critics.

Recently Pruitt is rarely out of the headlines, with stories ranging from travel expenses to speculation over whether his political future might include bids for a U.S. Senate seat or even the White House.

When given the chance to comment on yet another story this week about his political options, he took a pass.

Pruitt also declined to comment when asked about a recent decision by an Oklahoma judge to allow a lawsuit filed by Campaign for Accountability to continue. The lawsuit seeks to force the release of a 2014 audit of the Lead-Impacted Communities Relocation Trust, which was created in an effort to help move residents out of communities affected by the Tar Creek contamination.

“That is during my time as attorney general,” he said. “I think it is better that I just keep it focused on the EPA matters.”

Pruitt, who was Oklahoma’s attorney general before being tapped by President Donald Trump to lead the EPA, had declined to file charges based on the audit by state Auditor Gary Jones and also had taken steps to bar its release to the public.

According to reporting by The Oklahoman, legal action in the case continues and eventually could include an appeal to the Oklahoma Supreme Court.

Pruitt’s emphasis on Tar Creek and the other Superfund sites across the country grew out of a task force he created in 2017, just months after being sworn in as administrator.

Members of the Superfund Task Force came back with a list of specific recommendations under major goals ranging from expediting cleanup and remediation to promoting redevelopment and community revitalization.

As part of that process, Tar Creek landed on a list Pruitt says he will use to keep the emphasis on the program.

## Hot Air

## **EPA Ends The Use Of “Secret Science” In Crafting Regulations**

By: Jazz Shaw 3/20/18

Just in case liberals didn't already have enough reasons to pin EPA Administrator Scott Pruitt's picture to their dart boards, he's just rolled out another policy change which will force the “party of science” to rely on actual science when pushing for regulatory changes. Promising to eliminate “secret science” in EPA deliberations, Pruitt is ordering all scientific studies used when considering new regulations to include publicly available data and methodologies. This was announced in an exclusive interview with The Daily Caller News Foundation.

“We need to make sure their data and methodology are published as part of the record,” Pruitt said in an exclusive interview with The Daily Caller News Foundation. “Otherwise, it's not transparent. It's not objectively measured, and that's important.”

Pruitt will reverse long-standing EPA policy allowing regulators to rely on non-public scientific data in crafting rules. Such studies have been used to justify tens of billions of dollars worth of regulations.

EPA regulators would only be allowed to consider scientific studies that make their data available for public scrutiny under Pruitt's new policy. Also, EPA-funded studies would need to make all their data public.

“When we do contract that science out, sometimes the findings are published; we make that part of our rule-making processes, but then we don't publish the methodology and data that went into those findings because the third party who did the study won't give it to us,” Pruitt added.

In other words, science is not being excluded from any EPA studies. The agency is simply ensuring that groups conducting studies publish the data used to reach the conclusions they forward to the EPA so it can be examined and potentially challenged if it's found to be faulty. Surely nobody who's really interested in following the science could object to that, right?

Wrong. Democrats were immediately arguing against such a move, saying that forcing research organizations to publish their figures “would reveal confidential patient data.” That’s a rather odd argument in a couple of different ways. First of all, there’s a lot of data collected for various studies used by the EPA which have nothing to do with medical records. Examples include all of the groundwater studies done when the Obama administration was considering banning fracking.

But even in cases where medical information is required, the groups conducting the study were able to obtain the patient data. As Steve Milloy, the publisher of JunkScience.com was quoted as saying, California regularly makes such data available under the name, ‘Public Use Death Files.’ Other medical information can be compiled and have the patients’ names and other identifying personal information scrubbed. This is already done on a regular basis.

In fact, barring some subject which might compromise national security – such as the handling of tactical weapons materials – it’s difficult to imagine many true, scientific studies which couldn’t publish their underlying data, making it available for peer review. So if you’re still opposed to federal agencies wanting to see such data, the next logical question to ask is precisely what it is that you’re hiding.

## The Detroit News

<https://www.detroitnews.com/story/news/politics/2018/03/20/epa-pruitt-lead-water-flint/33125283/>

### **EPA chief wants to eradicate lead from drinking water**

By: Melissa Nann Burke, 3/20/18

The head of the Environmental Protection Agency says eradicating lead from drinking water is one of his top priorities three years after the Flint water crisis, and he’s worried Americans aren’t “sufficiently aware” of the threat.

“I really believe that we ought to set a goal as a country that, over the next 10 years, that we

ought to work with respect to investments in our infrastructure to eradicate lead in our drinking water,” EPA Administrator Scott Pruitt told reporters this week at the agency’s headquarters.

“It can be achieved. Some of the mental-acuity levels of our children are being impacted adversely as a result of this.”

Pruitt is concerned that parents and citizens don’t understand the threat of lead in drinking water or toys, and “we’re looking at ways we can contribute to that dialogue,” he said, according to an audio recording provided by the New York Post.

“I do think that what happened in Flint is something that could happen elsewhere. We just simply need to take steps to do all that we can to address it prospectively and proactively,” Pruitt said.

Pruitt said President Donald Trump’s \$1.5 trillion plan to bolster the nation’s infrastructure over the next decade would include investments in aging water infrastructure.

Pruitt didn’t describe a plan for replacing the thousands of lead service lines throughout the country – a cost estimated around \$40 billion to \$45 billion – but stressed the need for state and local governments to invest in such upgrades, perhaps with federal grant aid.

Pruitt added he would “love” to see local governments investing more in water infrastructure.

“These water treatment facilities – they have authority to bond out, to raise fees, to invest in corrosion control, the replacement of service lines and the rest,” Pruitt said. “And some of them just aren’t doing it.”

Gov. Rick Snyder has proposed having water customers across Michigan pay a \$5 annual fee to help upgrade aging infrastructure and replace lead pipes in their local communities, but the plan hasn’t gained steam in the Republican-controlled Legislature.



U.S. Rep. Dan Kildee, D-Flint Township, said what Pruitt has described isn't really a plan.

"When it comes to Mr. Pruitt, nice words don't replace pipes. It takes money. What they have proposed is really nothing when it comes to infrastructure," Kildee said of the Trump administration.

Kildee said what would help is Pruitt putting his support behind Kildee's legislation that would reduce the acceptable amount of lead in drinking water to 5 parts per billion. The current federal action limit is 15 parts per billion.

"Force federal and state governments to stare this in the face by adopting a level that is science-based that says there is no acceptable level of lead," he said.

EPA has spent a decade trying to update the rule.

Snyder called the rule "dumb and dangerous" after the Flint disaster. The state has proposed draft rules to drop the acceptable amount of lead in drinking water to 10 parts per billion by 2024.

## The New York Post

<https://nypost.com/2018/03/21/epa-head-calls-for-coordinated-response-to-nyc-lead-crisis/>

**EPA head calls for 'coordinated' response to NYC lead crisis**

By: Marisa Schultz, 3/21/18

EPA Administrator Scott Pruitt called for a “coordinated” response between New York State and City officials to address the ongoing lead crisis.

Asked whether federal intervention is needed to protect New York children and tenants from lead poisoning, the Environmental Protection Agency chief urged action on all fronts.

“I think a local, state and federal response that is very coordinated and collaborative is terribly important,” Pruitt said in an interview. “We each play a role. I’d love to see steps taken at the local level to invest.”

Gov. Cuomo already announced an emergency declaration for New York Housing Authority buildings and pledged an additional \$250 million for upgrades. But heated public squabbles over resources and responsibility with rival Mayor de Blasio have complicated progress.

Pruitt declined to weigh in on the Cuomo/de Blasio feud but encouraged broad infrastructure investment from all levels to prevent children from getting sick.

“I think the governor’s call for that is important and it’s something we think is important as well and we need to contribute to it along with the states, local cities and towns,” Pruitt said.

While the problems in NYCHA are centered on lead paint, Pruitt has primarily tackled the issue of eliminating lead poisoning from water. He raised concerns over high lead levels found at certain New York City school water fountains.

“I do think that what happened in Flint is something that could happen elsewhere,” Pruitt said. “We just simply need to take steps to do all that we can to address it prospectively and proactively.”

Pruitt estimated it would take \$40 billion – \$45 billion to replace lead service lines nationwide and suggested President Trump’s \$1.5 trillion infrastructure plan can assist states and cities with

the costs.

“I really believe that we ought to set a goal as a country that, over the next 10 years, that we ought to work with respect to investments in our infrastructure to eradicate lead in our drinking water,” Pruitt said.

He added: “It can be achieved. Some of the mental-acuity levels of our children are being impacted adversely as a result of this.”

## The Philadelphia Inquirer

<http://www.philly.com/philly/health/pruitt-epa-smog-philadelphia-ozone-20180320.html>

### **Philly has a smog problem. Will Scott Pruitt's EPA say so?**

By: Frank Kummer, 3/20/18

Mollie Michel of South Philadelphia keeps her children inside some days because of air pollution, so she's particularly irked by a long delay by the U.S. Environmental Protection Agency to say officially whether Philadelphia has a smog problem. That designation could mean more regulation to help clean up the dirty air, she said.

“You have a city with a childhood asthma rate twice as high as the national average,” Michel said to bolster her argument. A member of Moms Clean Air Force, she gathered Tuesday with a few dozen other activists and local officials at City Hall to mark the first day of spring by protesting Trump administration policies.

Whether Philadelphia is violating the federal Clean Air Act remains in bureaucratic limbo. Despite deadlines, the EPA has refused to say whether Philadelphia and some other cities, including Pittsburgh, have met a 2015 benchmark of 70 parts per billion or less of ground-level ozone in the ambient atmosphere. Being out of compliance, or in “nonattainment,” has a real-world impact on the state, city, businesses and industry, and even motorists through increased

regulation and funding.

The EPA was supposed to state whether Philadelphia was in compliance by last Oct. 1. Last week, a federal court ruled that the EPA, under its administrator, Scott Pruitt, broke the law by missing the deadline, and gave the EPA until April.

On Monday, Pruitt's office said it would meet the deadline.

Pruitt said during a meeting with reporters at EPA headquarters in Washington that the scope of monitoring required to answer the smog question had caused the delay.

"The agency has been running behind for a number of years," said Pruitt, who took office a year ago.

Pruitt, who said he didn't have data specific to Philadelphia in front of him, also took issue with how the monitoring program has been carried out in the past, saving money by "modeling" — using data from one area and applying it to another.

"Real data is terribly important," Pruitt said. "When we go forward, we need to focus more on monitoring as opposed to modeling ... You shouldn't get data from one monitor and extrapolate it over a whole area because you're not dealing with real data at that point."

He said his office is "exploring ways" to pay for monitoring.

If Philadelphia is declared to have a smog problem, the Pennsylvania Department of Environmental Protection would be responsible for crafting a plan to reduce ground-level ozone. Ozone is formed when volatile organic compounds and nitrogen oxides — created by burning fossil fuels, and power plants and other industries — combine in sunlight. Long, hot, humid days act as smog factories, so smog is expected to increase as the climate warms up.

James Garrow, a spokesman for the city's Department of Public Health, said, "Philadelphia is indeed out of compliance" as of March 1. He said the trend for ground-level ozone has been going down for years and Philadelphia expects to meet requirements within a few years.

At the protest, Flora Cardoni, an organizer with PennEnvironment, joined Democratic State Reps. James R. Roebuck Jr. and Brian K. Sims, as well as members of Deep Green Philly and the Clean Air Council, in speaking out. Cardoni said it's already been too long a wait for action.

"Philadelphians want to walk along the Schuylkill, play in Fairmount Park, and wander the historic city without worrying about choking on smog and soot," she said.

## Politico

[https://www.politico.com/story/2018/03/20/omnibus-vote-house-thursday-473010?lo=ap\\_e1](https://www.politico.com/story/2018/03/20/omnibus-vote-house-thursday-473010?lo=ap_e1)

### **Congress struggles to clinch spending deal**

By: Burgess Everett, Rachel Bade, Sarah Ferris and Heather Caygle, 3/20/18

Congressional leaders are racing to finalize a spending bill by the end of Tuesday but find themselves still at odds over a host of controversial issues — delaying plans to unveil the proposal and raising the prospect of weekend votes to avoid a shutdown.

Democrats, Republicans and the White House battled late into the night Monday and into Tuesday afternoon over whether to include provisions on President Donald Trump's border wall, a massive New York infrastructure project and the special counsel's Russia investigation, according to lawmakers and aides in both parties.

There were still a number of unresolved issues as of Tuesday evening, and multiple sources were pessimistic that negotiators would reach a deal in time to release the bill before Wednesday.

Asked how confident he was that the Senate would avoid weekend work, Sen. John Thune (R-S.D.) replied: "I'm not real confident at this point."

Dragging the talks into Wednesday would increase the chance that lawmakers pass a short-term spending bill to prevent a temporary shutdown when funding lapses Friday evening.

Several issues remain open after administration officials participated in a lengthy meeting Tuesday afternoon with top leadership and appropriations staffers that did little to break the logjam.

"Everything that remains is going to be pulling teeth to resolve," said a senior congressional aide with knowledge of the meeting, which included representatives from the White House and the Office of Management and Budget.

The New York-area Gateway project is a primary issue for the White House, according to the aide, but several other provisions are also still up in the air.

Trump is likely to support the bill if the Gateway project is excluded, the military receives a major budget boost and there is a significant infusion of border security funding, White House legislative affairs director Marc Short said at the Capitol Tuesday.

House Speaker Paul Ryan (R-Wis.) told his conference that he is planning to pass the massive, \$1.3 trillion omnibus on Thursday, according to House Republicans.

"I'm hoping today," Ryan told reporters when asked Tuesday morning when leaders would wrap up negotiations. He said lawmakers were not yet considering a short-term funding patch to buy more negotiating time. "There are some unresolved issues. We're working through them as we speak."

Senate Majority Leader Mitch McConnell (R-Ky.) said he would keep the Senate in until the bill is passed.

"We anticipate the House filing later today, which will give the Senate plenty of time to take a look at it and see what's in it," McConnell said on Tuesday afternoon.

Still, on the House's current schedule, the Senate would have just a day to pass the bill before government funding runs out on Friday evening — allowing for any one senator to shut the government down briefly. Sen. Rand Paul (R-Ky.) caused such a shutdown last month in protest over a budget deal.

Paul would not rule out doing everything he can to stop the spending bill if he views it as poorly as he did a budget bill in February.

"I will oppose the bill. I have to make a decision about whether or I will accept a time agreement," Paul told reporters on Tuesday.

Senate leaders are already entertaining a short-term spending bill in preparation for any antics by Paul.

"We're going to be here into the weekend, perhaps. But I think there could be some measures taken to keep the lights on. But we'll get it done," said Senate Majority Whip John Cornyn (R-Texas). "Anything can happen around here."

Congressional leaders had hoped to file the bill, which would fund the government through the end of September, on Monday night with a House vote on Wednesday. But Congress is bogged down over policy provisions that various congressional factions are trying to attach to the must-pass bill. Many lawmakers view the legislation as their last chance to get their priorities signed into law before the midterm elections.

"Negotiations continue between the four leaders. A few sticking points remain, but we are very close," said Senate Minority Leader Chuck Schumer (D-N.Y.). "I think it will be a fair compromise."

Lawmakers and aides estimated there were as many as 20 provisions still being debated. One of the most controversial is \$900 million in funding for the Gateway tunnel project in New York, a key priority of Schumer and New York-area Republicans and Democrats.

Gateway supporters are trying to include language that would allow the project to apply for competitive grant money and prevent the Trump administration from squashing the project. Trump has told Republicans he will veto a bill that funds the project specifically. Schumer and GOP leaders were still battling over the provision as of Tuesday afternoon, and the New Yorker said the tunnel is of national significance despite Trump's complaints.

The White House remains unmoved, however.

"The secretary of transportation has explained if you put that much money in one project it's going to crimp projects across the country she needs to fund. It's also a project that a majority of House Republicans... voted against," Short said. "The president has made his wishes well known so I think we're going to be fine."

Another sticking point: immigration. Talks to protect young immigrants facing deportation fell apart over the weekend, but congressional Democrats spent Monday and Tuesday pushing to freeze hiring of immigration enforcement officials in return for providing Trump more than \$1 billion in funding on his border wall.

Democrats and Republicans are likely to agree on about \$1.6 billion in border funding that would help finance some fencing and security and avoid directly funding the large concrete wall that Trump wants, according to a Democratic aide.



Republicans are seeking to fix an error in the new tax law that lowers tax bills for farmers that sell grain to cooperatives at the expense of other companies. Though Senate Democrats and some Senate Republicans are willing to rewrite the provision in exchange for a boost in Low-Income Housing Tax Credits in the spending bill, Ryan has resisted, according to people in both parties. Ryan allies say that just because he rejected an offer from Schumer to fix

the so-called "grain glitch," it doesn't mean the issue is dead altogether.

Congressional Democrats also pushed provisions to protect special counsel Robert Mueller but have been rebuffed by GOP leaders. An attempt to shore up Obamacare's insurance markets is also stalled in a battle over abortion.

Lawmakers believe neither of those provisions will be in the omnibus.

A Tuesday morning school shooting in Maryland, however, may have thrown another wild card into the mix: GOP leaders are pressing to include popular legislation that would improve the National Instant Criminal Background Check System for firearms purchases.

"We remain hopeful that Fix NICS is in the omni," Short said of the proposal to improve the FBI's background check system.

But Democrats want a broader gun debate and note that the provision is a modest way to simply bolster existing gun laws. Meanwhile, conservatives believe it would make it more difficult for some veterans to buy a gun, which could keep that provision out as well.

"There are still some key questions. There's a NICS question, there's an Internet sales tax question, there's [an Obamacare] question. There's a Gateway project financing question," said Rep. Jim Jordan (R-Ohio), a conservative leader. "It looks like a lot of those things aren't gonna be in it, which is a good step, but it still spends way too much money."

## The Wall Street Journal

<https://www.wsj.com/articles/trump-to-ramp-up-trade-restraints-on-china-1521593091>

## **Trump to Ramp Up Trade Restraints on China**

By: Bob Davis, 3/20/18

The White House is preparing to crack down on what it says are improper Chinese trade practices by making it significantly more difficult for Chinese firms to acquire advanced U.S. technology or invest in American companies, individuals involved in the planning said.

The administration plans to release on Thursday a package of proposed punitive measures aimed at China that include tariffs on imports worth at least \$30 billion.

But the tariffs won't be imposed immediately. Rather, U.S. industry will be given an opportunity to comment on which products should be subject to the duties. As part of the package, the White House will announce possible investment restrictions by Chinese firms in the U.S. and will direct the Treasury Department to outline rules governing investment from China.

Final details of the plan, including the amount of imports to be hit by tariffs, remain in flux, those involved with the discussions said. While the rough amount and rationale for the tariffs are expected to be disclosed on Thursday, the final decisions will come once U.S. industry has had its say, they said.

A White House spokeswoman declined to comment.

The effort stems from a monthslong investigation by the administration into Chinese intellectual property practices that found the damage to U.S. companies from forced technology transfer is \$30 billion annually.

The administration has warned Beijing that it risked tariffs if it didn't significantly liberalize its

market and eliminate practices that disadvantage foreign firms.

While the administration's plans to put tariffs on China have received most of the attention, it is considering other significant penalties, especially those aimed at state-owned Chinese firms. It plans to argue that Chinese state-owned firms buy U.S. technology not for commercial purposes, but to apply for military use and otherwise gain an edge in the race for global technological dominance.

The administration believes that Beijing, in requiring U.S. companies to form joint ventures to do business in China, then pressures them to transfer important technology to their Chinese partners. The U.S. also contends Beijing improperly subsidizes Chinese companies looking to overtake U.S. rivals in such advanced technologies as semiconductors, artificial intelligence and robotics.

Chinese officials have said that they are improving their protection of intellectual property and liberalizing their economy. They also complain that the U.S. hasn't given them a specific list of demands that they need to meet to head off tariffs.

The country's responses to challenges from President Donald Trump loomed large as China's leaders closed out an annual political gathering on Tuesday.

Premier Li Keqiang, the titular No. 2 leader, struck a conciliatory tone on trade with the U.S. At a news briefing in Beijing's Great Hall of the People, Mr. Li said "there are no winners" in a trade war between the world's two largest economies, and appealed for calm.

People involved in the planning say the Trump administration is looking at making reciprocity the core of U.S. investment relations with China, meaning that the U.S. would impose restrictions on Chinese investment similar to those that U.S. firms face in China. That could mean that the U.S. would insist that Chinese firms form joint ventures before doing business in the U.S., unless China dropped those restrictions.

The U.S. has already made it more difficult for Chinese companies to invest in the U.S. by

blocking Chinese bids to purchase U.S. semiconductor firms. That is done by an interagency review of foreign acquisitions by the Committee on Foreign Investment in the U.S. Congress is looking to broaden CFIUS reviews of acquisitions so they include joint ventures too.

The expansion would include reviews of technology transfers to foreigners and could apply to joint ventures both outside and within the U.S. But CFIUS looks solely at national security concerns. The administration wants to address economic harm as well, according to these people.

Any imposition of tariffs, without going first to the World Trade Organization, is sure to prompt a chorus of criticism not just from Beijing but from U.S. industry, which has opposed tariffs as counterproductive. The WTO adjudicates trade cases and has the power to authorize tariffs in cases where a losing party doesn't change its practices. The administration is also considering bringing a case against Chinese trade practices that are covered by the WTO.

Oregon Sen. Ron Wyden, the senior Democrat on the Senate Finance Committee, said he opposes the broad imposition of tariffs. "American producers who haven't gotten a fair shake in the past aren't going to get that back by just have tariffs slapped on imports indiscriminately," he said.

Tariffs are bound to cause China to retaliate, said Clement Leung, Hong Kong's representative in the U.S. Chinese officials "cannot show any weakness" at a time when the country's leader, Xi Jinping, has just been confirmed for his second term, Mr. Leung said. Hong Kong, a trading center that operates somewhat independently from the rest of China, would be hurt by limits on trade.

Whatever the political blowback, Harvard law professor Mark Wu, a trade expert, says that the White House has authority to impose tariffs under section 301 of the Trade Act of 1974.

"In situations where the U.S. Trade Representative deems unfair trade practices to fall outside the scope of a WTO-covered agreement, then the statute permits the executive branch to take action directly without first seeking recourse through WTO dispute settlement" procedures, he said.

Frustration with Chinese trade practices has been building among both the governments and private sectors of the U.S., Japan and Europe. One reason the U.S. is considering a separate WTO case is to try to recruit allies to pressure China. But any move to impose tariffs could allow Beijing to portray itself as a victim. Coalition-building has become more complicated in the wake of a separate U.S. action to levy tariffs on steel and aluminum imports from allied nations.

For instance, finance ministers and central bankers from the Group of 20 countries, meeting in Buenos Aires on Tuesday, failed to reach any new agreement on shared principles when it comes to trade policies, as the split between the U.S. and other major economies deepened over the U.S.'s tariff policies.

The administration is considering recommendations from two other reports that would impose draconian investment restrictions on China. The U.S.-China Economic and Security Review Commission, a Congressional panel that takes a hard line on China, last year urged the administration to prohibit "the acquisition of U.S. assets by Chinese state-owned or state-controlled entities, including sovereign wealth funds."

A report for the Pentagon by its Defense Innovation Unit Experimental, which examines technology issues, has recommended that the Pentagon pursue a policy of "detering Chinese technology transfer" by broadening CFIUS's mandate and strengthening export controls on technology to China.

China Investment Corp, Chinese sovereign-wealth fund which could get hit by sanctions, is putting together a fund targeting as much as \$5 billion with Goldman Sachs Group Inc., aimed at investing in U.S. manufacturing and other sectors. CIC hopes the fund would pass muster with U.S. regulators, say those people familiar with the plans.

It is unclear how far the administration will go in pursuing these ideas. Blocking the acquisition of all purchases by Chinese state firms, for instance, would mean that Chinese state-owned airlines couldn't buy Boeing jets. Toughening export controls on, say, semiconductor production machinery could cede the market to Japanese vendors.

The administration's actions on China come on the heels of plans to levy tariffs on steel and aluminum imports. Japan, Korea and the European Union are scrambling to get exemptions from those levies, which are set to go into effect on Friday.

## TRUMP TWEETS



**Donald J. Trump** @realDonaldTrump · 21h



Our Nation was founded by farmers. Our independence was won by farmers. And our continent was tamed by farmers. Our farmers always lead the way -- we are PROUD of them, and we are DELIVERING for them! #NationalAgricultureDay

28K 28K 115K



**Donald J. Trump** @realDonaldTrump · 2h



AUSTIN BOMBING SUSPECT IS DEAD. Great job by law enforcement and all concerned!

6.0K 11K 44K



**Donald J. Trump** @realDonaldTrump · 2h



Department of Justice should have urged the Supreme Court to at least hear the Drivers License case on illegal immigrants in Arizona. I agree with @LouDobbs. Should have sought review.

3.6K 4.5K 18K



**Donald J. Trump** @realDonaldTrump · 2h



...there was no probable cause for believing that there was any crime, collusion or otherwise, or obstruction of justice!" So stated by Harvard Law Professor Alan Dershowitz.

9.2K 5.4K 21K



**Donald J. Trump**  @realDonaldTrump · 1h



"Special Council is told to find crimes, whether a crime exists or not. I was opposed to the selection of Mueller to be Special Council. I am still opposed to it. I think President Trump was right when he said there never should have been a Special Council appointed because.....



11K



4.2K



17K



Message

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**From:** Edlund, Carl [Edlund.Carl@epa.gov]  
**Sent:** 2/5/2018 5:58:20 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**CC:** Atkins, Blake [Atkins.Blake@epa.gov]; Luckett, Casey [Luckett.Casey@epa.gov]; Casanova, Rafael [Casanova.Rafael@epa.gov]; Coltrain, Katrina [coltrain.katrina@epa.gov]  
**Subject:** Re: Tar creek

Great...I'll ask my folks to send you schedules and agendas for the 20th. No inconvenience at all.

Sent from my iPad

On Feb 5, 2018, at 9:30 AM, Kelly, Albert <kelly.albert@epa.gov> wrote:

Thanks. Would it be acceptable to plan for the 20th? I don't want to inconvenience anyone.

Sent from my iPhone

On Feb 5, 2018, at 7:20 AM, Edlund, Carl <Edlund.Carl@epa.gov> wrote:

Thanks Blake....a good list.

Kell- interested in any of these events?

Sent from my iPad

On Feb 5, 2018, at 8:41 AM, Atkins, Blake <Atkins.Blake@epa.gov> wrote:

Carl, here are some upcoming Tar Creek trips that might be of interest. The reuse/redevelopment opportunity in Miami, and discussion regarding institutional controls with BIA may be of particular interest.

2/20/18: Meeting with the City of Miami and ODEQ to discuss Miami's interest in acquiring a commercial property and inactive rail spur located within the Tar Creek Superfund site. The acquisition is an economic development project for the City which will provide rail access to several companies located near the rail spur. A local chat processors has expressed interest in using the commercial property to ship chat.

2/20/18: Host a Tar Creek site tour for the BIA Miami Agency. The tour will include visits to restricted properties which need institutional controls (ICs) to protect the cleanup and ensure long term stewardship. EPA is working with BIA to reach an agreement on the ICs issue since the BIA is the federal agency



with the regulatory authority to place deed notices on restricted properties.

2/21/18: Monthly Tar Creek meeting. Meeting attendees include representatives from EPA, ODEQ, the Quapaw Tribe and the BIA. All entities are involved with on-going remedial activities at the site.

3/28/18: Region 6 and Region 7 Managers meeting to discuss coordinated efforts for all operable units of the Tar Creek Superfund site.

3/28/18: Tar Creek Stakeholder meeting: EPA Regions 6 and 7 will participate in a meeting with the Tar Creek stakeholders to provide site updates and action status.

Blake Atkins, Chief  
LA/NM/OK Remediation Section  
EPA Region 6 Superfund Division  
1445 Ross Ave (6SF-RL)  
Dallas, TX 75202  
214-665-2297 w  
214-406-5907 c

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**From:** Edlund, Carl  
**Sent:** Sunday, February 04, 2018 7:40 PM  
**To:** Phillips, Pam <[phillips.pam@epa.gov](mailto:phillips.pam@epa.gov)>; Sanchez, Carlos <[sanchez.carlos@epa.gov](mailto:sanchez.carlos@epa.gov)>; Casanova, Rafael <[Casanova.Rafael@epa.gov](mailto:Casanova.Rafael@epa.gov)>; Atkins, Blake <[Atkins.Blake@epa.gov](mailto:Atkins.Blake@epa.gov)>  
**Subject:** Fwd: Tar creek

Any thoughts? Events that he could hook into?

Sent from my iPad

Begin forwarded message:

**From:** "Kelly, Albert" <[kelly.albert@epa.gov](mailto:kelly.albert@epa.gov)>  
**Date:** February 4, 2018 at 2:01:17 PM CST  
**To:** "Edlund, Carl" <[Edlund.Carl@epa.gov](mailto:Edlund.Carl@epa.gov)>  
**Subject:** Tar creek

I would like to schedule a visit to Tar Creek. What would you suggest?

Sent from my iPhone

Message

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**From:** Neok [Ex. 6 - Personal Privacy]@neok.com]  
**Sent:** 2/5/2018 3:54:17 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**Subject:** Re: call

Safe travels. Glad you are coming later this month.

**From:** Kelly, Albert  
**Sent:** Monday, February 5, 2018 9:43 AM  
**To:** [Ex. 6 - Personal Privacy]@neok.com  
**Subject:** Re: call

Thanks I will call. I am in Nevada today. I am trying to come to the area on Feb 20 if possible

Sent from my iPhone

On Feb 5, 2018, at 7:41 AM, Neok [Ex. 6 - Personal Privacy]@neok.com> wrote:

Hello Mr. Kelly,

We have had a little snow and Ottawa County stops moving when accident numbers mount. I would like to talk to you about Tar Creek, my time is certainly more flexible than yours so please call when you can wedge in a moment. My cell is probably the easiest number and it is

[Ex. 6 - Personal Privacy] For your records, my home number is [Ex. 6 - Personal Privacy] and our office number is [Ex. 6 - Personal Privacy]

[Ex. 6 - Personal Privacy]

Thank you for your interest in Tar Creek. ~ Rebecca Jim

**From:** Kelly, Albert  
**Sent:** Friday, February 2, 2018 4:13 PM  
**To:** [Ex. 6 - Personal Privacy]neok.com  
**Subject:** call

Hello Ms. Jim, I hope you are well. I wanted to inquire and see if you would have time for a call so I can get your suggestions and ideas on the way forward at Tar Creek. If you would be so inclined, please give me a couple convenient times and the best number for you. Thank you.

Albert Kelly  
Senior Advisor to the Administrator  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
202 306 8830



Virus-free. [www.avast.com](http://www.avast.com)

Message

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**From:** [Ex. 6 - Personal Privacy]@neok.com]  
**Sent:** 2/5/2018 3:41:37 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**Subject:** Re: call

Hello Mr. Kelly,

We have had a little snow and Ottawa County stops moving when accident numbers mount. I would like to talk to you about Tar Creek, my time is certainly more flexible than yours so please call when you can wedge in a moment. My cell is probably the easiest number and it is [Ex. 6 - Personal Privacy] For your records, my home number is [Ex. 6 - Personal Privacy] and our office number is [Ex. 6 - Personal Privacy]  
Thank you for your interest in Tar Creek. ~ Rebecca Jim

**From:** Kelly, Albert  
**Sent:** Friday, February 2, 2018 4:13 PM  
**To:** [Ex. 6 - Personal Privacy]@neok.com  
**Subject:** call

Hello Ms. Jim, I hope you are well. I wanted to inquire and see if you would have time for a call so I can get your suggestions and ideas on the way forward at Tar Creek. If you would be so inclined, please give me a couple convenient times and the best number for you. Thank you.

Albert Kelly  
Senior Advisor to the Administrator  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
202 306 8830



Virus-free. [www.avast.com](http://www.avast.com)

Message

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**From:** Stalcup, Dana [Stalcup.Dana@epa.gov]  
**Sent:** 7/27/2017 8:00:28 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**CC:** Woolford, James [Woolford.James@epa.gov]  
**Subject:** RE: July 15, 2017 Indiana Harbor CDF & USS Lead Superfund Meetings  
**Attachments:** Mr Albert Kelly July 27, 2017.docx

Wow, there are a wide variety of issues addressed in the paper, including historical and more recent perspectives on the toxicity of lead and arsenic, the legal and industrial history at this site, activities at other Superfund sites, and a variety of statutory authorities that might have some impact. We would have to pull in a number of people/perspectives to provide you a thorough analysis. We would likely involve the Region, as well as other Regions that have sites identified, and several folks within HQ, mostly in OLEM but also possibly in other offices. I have copied Jim to see if he has any other thoughts.

OSRTI would be happy to reach out to the right people and pull info together, if that would help. What is your timeframe?

Let us know; thanks - Dana

Dana Stalcup  
Deputy Director  
OLEM/Office of Superfund Remediation and Technology Innovation (OSRTI)  
Desk – 703-603-8702  
Cell – 202-309-5473  
Follow us on Twitter @EPALand

---

**From:** Kelly, Albert  
**Sent:** Thursday, July 27, 2017 3:32 PM  
**To:** Stalcup, Dana <Stalcup.Dana@epa.gov>  
**Subject:** FW: July 15, 2017 Indiana Harbor CDF & USS Lead Superfund Meetings  
**Importance:** High

This is on East Chicago. Would you identify someone to give me a bullet point analysis of this

Albert Kelly  
Senior Advisor to the Administrator  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
202 306 8830

---

**From:** Larry Davis [mailto:[lad@netnitco.net](mailto:lad@netnitco.net)]  
**Sent:** Wednesday, July 26, 2017 7:15 PM

**To:** Kelly, Albert <kelly.albert@epa.gov>

**Cc:** 'Larry Davis' <lad@netnitco.net>; 'Maritza Lopez' <mari.ml798@gmail.com>; 'Rev. Cheryl Rivera' <rev.rivera@live.com>; 'Thomas Frank' <thomas@thomasfrank.org>; 'Akeeshea Daniels' <msatd1@att.net>; 'Sara Lynn' <slpcleaning@att.net>; 'Tara Adams' <adamstm11@yahoo.com>; 'Mary Poe' <mpoe59@gmail.com>; 'Lori' <lalocklear@aol.com>; 'Elbert Williams' <elbertwilliams39@gmail.com>; 'raymond mosley' <raymosley074@gmail.com>; 'Sarah Willis' <sarahdaviswillis@gmail.com>; robert.willis27@yahoo.com; 'Byron Duke Florence' <byrondukeflorence@gmail.com>; 'Byron Florence' <dukeF81@gmail.com>; Jdwb2@hotmail.com; ezellfoster20@yahoo.com; 'Pamela Berry' <mspmberry@gmail.com>; 'Michael Jacobi' <coby112285@gmail.com>; 'Deborah Gail Musiker' <debbie.m.chizewer@law.northwestern.edu>; 'Waikar, Anjali' <AWAIKAR@nrdc.org>; 'Geertsma, Meleah' <mgeertsma@nrdc.org>; 'Templeton, Mark' <templeton@uchicago.edu>; 'Emily Coffey' <emilycoffey@povertylaw.org>; 'Kate Walz' <katewalz@povertylaw.org>; 'Gilman, Emily D.' <Emily.Gilman@goldbergkohn.com>; 'Chizewer, David' <david.chizewer@goldbergkohn.com>; 'Samuel Henderson' <SHenderson@hecweb.org>

**Subject:** RE: July 15, 2017 Indiana Harbor CDF & USS Lead Superfund Meetings

**Importance:** High

July 27, 2017

**To:** Mr. Albert Kelly

Senior Advisor to the Administrator  
Office of the Administrator  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
(202) 564-5086  
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< kelly.albert@epa.gov >

**From:** Larry Davis

268 S 600 W  
Hebron, Indiana 46341  
(219) 988-4843 H.  
(219) 488-6052 M.  
< lad@netnitco.net >

**RE:** July 15, 2017 Indiana Harbor CDF & USS Lead Superfund Meetings

Dear Mr. Kelly,

I want to personally thank you for enduring the five hours of toxic tribulations you witnessed Saturday July 15, 2017 in East Chicago, Indiana. This correspondence is entirely my own as a concerned taxpaying citizen I am not representing an organization.

I hope that you realize as I do that Superfund is broken and is failing to protect people of the United States from toxic wastes and their adverse health impacts.

In East Chicago we see the generational damage that chronic toxic waste exposure has produced. A community of color where children evacuated from one school built on the USS Lead Superfund site are relocated to a school that is one-third of a mile from where the United States Environmental Protection Agency (US EPA) and the United States Army Corps of Engineers (USACE) are creating the largest Dioxin & Polychlorinated biphenyl (PCBs) land disposal facility in the Great Lakes – most likely a future toxic waste Superfund site for Northwest Indiana...

I would like to provide you with some background on topic starting with the USS Lead Superfund site.

The ancient Greeks recognized Lead and Arsenic as poison over 2,200 years ago – anyone involved in this industry in East Chicago, Indiana saying that they did not know the hazards and risks of Lead and Arsenic are being deceitful...

The State of Indiana first discovered Lead contamination in 1985 with sample results with Lead levels “as high as 594,420 mg Pb/g (ppm)” parts per million (ppm) – in other words, over half Lead content in the soil off-site of the USS Lead Refinery’s property.

This was followed up with sampling by US EPA which confirmed extremely high levels of Lead in the soil of the West Calumet area of East Chicago, Indiana.

In 1989 representatives for USS Lead Refinery signed a Partial Interim Agreed Order in Cause No. N-296 Indiana Department of Environmental Management (IDEM) versus USS Lead Refinery.

The Agreed Order required the company to conduct sampling and analysis for: “... all contaminated areas to determine the extent, area, and depth of contamination” and implement a cleanup plan that: “addresses what remedial action will be performed to ensure the removal of all contamination.”

Today the US EPA, HUD, and the responsible parties are not providing anything close to what the company originally agreed to do in 1989.

All the decision making surrounding the USS Lead Superfund site has only been based upon what was considered a toxic particulate aerial deposition contamination event as a result of Lead smelting and alloying process smoke stacks and toxic dust from waste piles blowing with the wind...

We know that the West Calumet Housing Complex has extremely high levels of Lead in soil and inside homes with test results at 92,000 ppm Lead and 32,000 ppm Lead respectively. And we know the ground water there tests at 16,000 ppm Lead.

We know that millions of tons of Lead products were produced over the decades by the Lead industry operating in East Chicago, Indiana and that subsequently production of toxic wastes in the forms of dusts, slag, and dross were also generated by the millions of tons over time.

This toxic waste was dumped in nearby swamp – dune and swale topography consisting of twenty to thirty foot tall heavily vegetated sand dunes separated by low areas (swale) of wetlands similar to what can still be observed in nearby natural areas.

US EPA and the United States Department of Housing and Urban Development (HUD) have not identified where the millions of tons of these toxic wastes are located even though historical photographs clearly illustrate the land filling of the area over time.

Groundwater sampling is planned by US EPA without yet having identified any source(s) of contamination which is required to properly design a valid groundwater model and sampling plan. This is a waste of resources since we already know the groundwater at West Calumet tested at 16,000 ppm Lead. Sources of contamination must be identified first and a properly designed groundwater sampling and analysis plan needs to be implemented.

Currently US EPA and HUD plan to pay contractors to dig up the USS Lead Superfund site in the West Calumet Housing Complex three times:

- 1) Contractors paid to remove and stockpile contaminated soil during utility removal,
- 2) Contractors paid to replace the contaminated soil back into the utility excavations, and
- 3) Contractors paid to remove up to two feet of contaminated soil or implement some other interim or final remedy as selected by US EPA.

All these U.S. taxpayer dollars spent and contractor activity taking place on a toxic waste Superfund site and we still will not achieve any permanent remedy or complete cleanup of West Calumet. This is an outrageous squandering of tax dollars!

How many times does the federal government have to pay contractors to dig in the toxic soils found in the USS Lead Superfund site before we actually get a complete cleanup?

In fact, the money spent so far in not achieving a permanent remedy could have provided an equitable and just means for churches, businesses, property owners, and renters to move as a community to a clean & healthy area away from the USS Lead Superfund site.

Parallels between the infamous Love Canal toxic waste catastrophe In New York and the USS Lead Superfund site in Indiana include:

- 1) Residents are unaware of living on top of or adjacent to toxic wastes;
- 2) Children chronically exposed to contaminated dusts, soils, and waters;
- 3) Toxic waste contamination in schools, parks, and playgrounds;
- 4) Severely contaminated groundwater is documented and toxic contaminants are seeping into basements and drainage systems;
- 5) A portion of the Superfund site was forced to evacuate while other people are forced to remain behind in a known toxic waste contaminated environment;
- 6) Residents are told that it is safe to remain during demolition and emergency removal actions and are given false impressions of a permanent cleanup and restoration of their properties.

US EPA contractors are involved in an Emergency Removal Action only removing soil down to two feet deep at residences and parks. However US EPA in local public meetings speak of “Cleanups” and “Restoration” when in reality the Emergency Removal Action entails leaving areas under: sidewalks, patios, shrubs & trees, etc. unaddressed and ignores areas of visible contamination e.g. large chunks of slag found in parks and yards that are subsequently reburied by topsoil and sod even though visible contamination removal is required in USS Lead Superfund site’s consent decree.

The lessons learned at the Love Canal and Tar Creek Superfund sites seem to have been lost and forgotten when it comes to East Chicago, Indiana.

No one in the United States of America should have to live on a toxic waste Superfund site.

The Superfund Amendments and Reauthorization Act (SARA): SARA requires U.S. EPA to give preference to and use permanent solutions and alternative treatment technologies “to the maximum extent practicable” with “reductions in volumes, mobility, and toxicity” of the wastes.

The only sure way to ensure toxic waste risk reduction is to eliminate the hazard.

And the only sure way to eliminate toxic waste liabilities for both the responsible parties and the community is to achieve a permanent cleanup. You might ask how clean?

“Moving hazardous waste from one hole in the ground to another is the non-solution that was behind SARA’s preference for permanent cleanup.” – U.S. Congress, Office of Technology Assessment (OTA)

“OTA considers that a site has been permanently cleaned up when the contamination that was the cause of high enough risk to warrant cleanup (either current or future risk) is rendered irreversibly harmless through destruction (e.g., incineration or biological treatment) or recovery and reuse of the hazardous substances (e.g., recovery of lead from contaminated soil and buried battery casings)” – U.S. Congress, Office of Technology Assessment

“Cost-benefit thinking allows nearly any kind of cleanup decision to be rationalized and undermines the environmental goals of Superfund. Cost-benefit reasoning backs up the selection of impermanent remedies because of excessive flexibility in cleanup goals.” – U.S. Congress, Office of Technology Assessment

“Impermanent remedies results in: “Spending on cleanup remedies which are unlikely to be permanent, leading to more spending in the long term for re-cleanups and perhaps posing exposures, risks, and damage to health and environment.” – U.S. Congress, Office of Technology Assessment

“...certain kinds of action are inconsistent with permanence, including any form of land disposal or containment, and any use of engineering or institutional controls, including long term monitoring for releases. All of these mean:



- 1) Site hazardous material remains hazardous;
- 2) There is uncertainty about releases of hazardous material and, therefore, risks to health and environment; and
- 3) There are a host of uncontrollable possible future events which might compromise the effectiveness of the protection.

“...OTA disagrees with the notion that land disposal or engineering or institutional controls provide a “degree of permanence.” What varies is the level of protection provided by different cleanup technologies and methods, not the degree of permanence. To tell the public that a remedy is permanent for perhaps a decade does not build public confidence.” – U.S. Congress, Office of Technology Assessment

Our government must provide an equitable and just means for churches, businesses, property owners, and renters to move as a community to a clean & healthy area away from the USS Lead Superfund site based upon the needs of the community.

Select a permanent remedy that ensures unrestricted and safe use of the land in the future – that will actually be a complete cleanup and restoration of the land and groundwater.

By comparison look what US EPA did in Pitcher, Oklahoma, at the Tar Creek Superfund site where “...EPA and the state of Oklahoma agreed to a mandatory evacuation and buyout of the entire township. The similarly contaminated satellite towns of Treece, Kansas and Cardin, Oklahoma were included in the Tar Creek Superfund site.”

“EPA/HUD Joint Statement on the Picher, Oklahoma, Housing Authority

Release Date: 01/26/2009

Contact Information: Dave Bary or Anthony Suttice at 214-665-2200 or < [r6press@epa.gov](mailto:r6press@epa.gov) >

(Dallas, Texas – January 26, 2009) Officials of the Regional offices of the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Housing and Urban Development (HUD) are working together to ensure that families living in the Picher area are not adversely affected by the Tar Creek Superfund site. EPA and HUD support the voluntary relocation of residents currently under way.”

Metal Smelters are always a concern due to the nature of the toxic wastes produced by smelting and alloying processes. The people within the Tar Creek Superfund site were bought out but where toxic metal was smelted and alloyed in East Chicago, Indiana people have been left behind to suffer more chronic exposures to toxic wastes...

When a person can safely grow a garden without worry about being poisoned and feed themselves and their family then it's clean enough.

When a person can safely drill a well without worry about being poisoned and use that source of fresh water safely then it's clean enough. This level of clean also would ensure that any basements with water seepage would be free from toxic contamination.

With respect to the Indiana Harbor and Canal (IHC) dredging operations and Indiana Harbor Confined Disposal Facility (CDF) operations the phrase: "making matters worse" comes to mind...

Once again we see federal contractors involved in an impermanent removal action and failing containment strategy involving toxic wastes which are untreated and open dumped into a land disposal facility that does not meet current federal and state laws and regulations for: Siting, Design, Construction, or Operation of a Toxic Substances Control Act (TSCA) chemical landfill.

We are witnessing the next toxic waste Superfund site being created before our own eyes and it does not begin to eliminate toxic threats to public health here in Northwest Indiana in fact it adds more Risk to adults and children who's health is already in jeopardy with a 310 in one million cancer risk due to current levels of pollution...

US EPA's normal acceptable risk level is 1 in one million cancer Risk.

Commonsense would tell you that a single toxic volatile chemical could not possibly represent the vast number of hazards and risks known to be present in the heavily contaminated toxic Dioxin & PCB laced IHC sediments that are being dredged up by the United States Army Corps of Engineers (USACE) and then open dumped one third of a mile from schools, parks and residences in East Chicago, Indiana.

These toxic sediments have been describe as; "among the most contaminated and toxic that have ever been reported."

And as ridiculous as it may sound, that single chemical is: Naphthalene, commonly known as traditional mothballs – a solid white crystalline chemical that has vapors heavier than air and evaporates very slowly making it less likely to be detected given the way USACE is conducting their single chemical air pollution monitoring.

One definition of "mothball" is: "a state of having been rejected for further use or dismissed from further consideration."

That definition precisely describes how people's concerns over further poisoning of their community are being dismissed from consideration by USACE, US EPA, and the Indiana Department of Environmental Management (IDEM).

The USACE has failed for over four decades to come up with anything better than dredging up heavily contaminated toxic waste laced with Dioxin & PCBs and open dumping it next to schools, parks and residences – something that if anyone else did would make themselves subject to criminal prosecution under the law.

The fraudulent scheme USACE and US EPA are using considers the hazard and risk posed by mothballs alone in calculating an "Acceptable Risk" to people's health – this is not representative of all the Risks in the highly contaminated toxic IHC sediments.

And Real Time Monitoring only for mothballs ensures that the true extent of the releases of toxic volatile chemicals, including Dioxin & PCBs, during dredging, debris separation, and disposal operations will never be adequately monitored or reported to the public.

Commonsense tells you that the real hazards and risks are far greater than just mothballs and that current operational practices are far from being acceptable for the heavily contaminated toxic Dioxin & PCB sediments being disturbed and dumped.

Real Time Monitoring must use state-of-the-art technology which is capable of monitoring for all toxic volatile chemical air pollution during dredging and disposal operations to ensure protection of public health and safety in Northwest Indiana.

As opposed current uncontrolled open air practices, heavily contaminated debris separation and toxic sediment handling must take place in an enclosed process that ensures zero discharge of toxic volatile chemicals into Northwest Indiana's air.

Current USACE plans include leaving 45% to 55% of the most heavily contaminated Dioxin & PCB sediments exposed in place in the IHC after dredging and covering with a gravel cap. The PCBs will still be in the water column as they volatilize from the highly contaminated exposed sediments which are now destabilized by incomplete dredging.

To stop the release of these toxins into Lake Michigan all of heavily contaminated toxic Dioxin & PCB IHC sediment must be dredged to a clean bottom for the entire IHC regardless of the extent of USACE's navigational boundaries. The USACE started this process and now must own the situation they have created in making matters worse by destabilizing toxic sediments in the IHC and increasing the spread of toxins into our air, water and land.

All debris and toxic sediments must be detoxified before land disposal to eliminate future toxic liability for both the polluting companies and the community's health – combinations of technologies to effectively do this have been around for decades (but due to length of this correspondence that is a subject for another discussion...).

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P.S. More details or references for any above information are available upon request.

Message

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**From:** John Berrey [Ex. 6 - Personal Privacy]@ogahpah.com]  
**Sent:** 4/6/2018 7:37:36 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**Subject:** Good afternoon

----- Forwarded message -----

**From:** John Berrey [Ex. 6 - Personal Privacy]@ogahpah.com>  
**Date:** Fri, Apr 6, 2018 at 2:35 PM  
**Subject:** Re: FINAL DRAFT - Pruitt's EPA Gets High Marks for Pushing Superfund Clean-Up  
**To:** Sean Harrison [Ex. 6 - Personal Privacy]@sbcglobal.net>  
**CC:** Alan Mauk [Ex. 6 - Personal Privacy]@aol.com>, Craig Kreman [Ex. 6 - Personal Privacy]@quapawtribe.com>, Steve Ward [Ex. 6 - Personal Privacy]@cwlaw.com>, Timothy Kent [Ex. 6 - Personal Privacy]@quapawtribe.com>

Looks great! send it

On Fri, Apr 6, 2018 at 2:22 PM Sean Harrison [Ex. 6 - Personal Privacy]@sbcglobal.net> wrote:

Final Draft below.

Includes Tena Smith's contact information for interview inquiries.

Includes latest edits by Ward, and additions of quotes from Inhofe and Mullin — do they need to approve the final version, or can we roll?

—

FOR IMMEDIATE RELEASE

For interview with Quapaw Tribe:

**Tena Smith**

**Tsmith@downstreamcasino.com**

**(918) 919-6054**

*For photos to accompany this story, please see links at the bottom*

## **Pruitt's EPA Gets High Marks for Pushing Superfund Clean-Up**

**"We Could Not Have Scripted It Any Better"**

(QUAPAW, Okla.) — From this corner of Indian Country, opinion runs high of Administrator Scott Pruitt's tenure at the Environmental Protection Agency.

Pruitt has pushed through significant improvements in the processing and cleaning up and reclaiming of toxic land within the former Tri-State mining district in northeast Oklahoma, an EPA Superfund site previously mired in a generations-long stalemate.

"It's such a dramatic change that we could not have scripted it any better," said the Quapaw Tribe's Chairman John Berrey, whose Indian nation occupies the area and is leading the clean-up operation. "After decades wrought with administrative delays, lack of funding and neglect, we are now experiencing an efficient and well managed clean up of the Tar Creek Superfund site. It is amazing, the difference under Administrator Pruitt's leadership."

In many parts of the site, where a few years ago enormous piles of lead- and zinc-poisoned mining waste stood, and where bleak, barren and useless land stretched for miles, there are now cattle grazing on a renewed landscape that hasn't seen green grass in ages. Some areas are ready for seeding row crops this spring. Chairman Berrey said the increased rate of new cooperative agreements between the tribe and the EPA, since Pruitt's arrival, has marked a turning point.

The arrangement represents a government-to-government relationship that is serving as a model for what Pruitt had in mind when he took over the EPA — to empower the local stakeholders in the process of cleaning up prioritized Superfund sites, because those are the people who will remain there afterward.

Tar Creek is a former mining district that provided most of the country's lead and zinc from 1900 to 1960, when the mines were then abandoned leaving 30 million tons of contaminated chat, poisoned land and water. In 2014 the Quapaw Tribe began clean-up under a series of EPA cooperative agreements totaling about \$5 million. But just in the past year, with Pruitt's new push, those cooperative agreements have accelerated, totaling \$25 million. Those cooperative agreements save taxpayers 35 percent of previous costs by eliminating the EPA's governmental contractors. The work is now being done by local truck drivers and other community support. It has created more than 60 local jobs.

So far, 1.5 million tons of chat has been removed. More than 500 acres has been cleaned and reclaimed. Making productive use of the land is enabling the Quapaw Tribe to enhance and grow its various agri-business endeavors in the region. Those include farming, cattle ranching, and operation of the first tribally run meat processing plant in the country.

"It all works together. Having this land healthy again makes everything else in northeast Oklahoma work better, from our agriculture businesses, to local schools, neighborhoods, to making the communities more attractive for new businesses and industries to move here," Chairman Berrey said. "This is the greatest government response we have ever seen at Tar Creek."

The Quapaw Tribe is not alone in their feeling of gratitude toward Pruitt's EPA.

"We've seen time and time again that Scott Pruitt is one of the most effective members of the president's cabinet," Sen. James Inhofe of Oklahoma said. "He's shown his commitment to true conservation—not overregulation—with his focus on cleaning up Superfund sites and empowering state and local partners. There is no better example of this than the positive difference the Quapaw Tribe is making at Tar Creek."

U.S. Rep. Markwayne Mullin, whose 2nd District in Oklahoma includes the Tri-State mining district, said: "Under the leadership of EPA Administrator Pruitt, I'm happy to say the Tar Creek Superfund site has improved immensely. No one is a better caretaker of land than those who call it home and the Quapaw Tribe worked diligently to improve the state of this site in their backyard. I support EPA Administrator Pruitt's continued efforts to work alongside state and tribal governments for the betterment of our communities."

- END -

Photos to accompany this story, courtesy Quapaw Tribe of Oklahoma:

*Remediation work at the Tar Creek Superfund Site, NE Oklahoma. These photos were taken on one of the tracts of land cleaned and reclaimed by the Quapaw Tribe of Oklahoma through a cooperative agreement with the U.S. Environmental Protection Agency.*

Before:

<https://www.dropbox.com/s/skcqaei82y4kxno/Tar%20Creek%20before.jpg?dl=0>

During:

<https://www.dropbox.com/s/o6ztevoldfmjz4t/Tar%20Creek%20during.jpg?dl=0>

After:

<https://www.dropbox.com/s/gb0zsun0lung1uw/CP009%20after%20looking%20south.jpg?dl=0>

After:

<https://www.dropbox.com/s/zoqmoofzyol2gth/Tar%20Creek%20after.jpg?dl=0>

--  
Sean Harrison

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy [\[REDACTED\]@sbcglobal.net](mailto:[REDACTED]@sbcglobal.net)

--  
John L Berrey  
Chairman  
Quapaw Tribe BC, DDA

--  
John L Berrey  
Chairman  
Quapaw Tribe BC, DDA

Message

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**From:** Brooks, Becky [Brooks.Bekky@epa.gov]  
**Sent:** 7/27/2017 7:28:30 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]; Davis, Patrick [davis.patrick@epa.gov]; Wright, Felicia [Wright.Felicia@epa.gov]  
**CC:** Snyder, Jessica [Snyder.Jessica@epa.gov]  
**Subject:** For today's 5:00  
**Attachments:** Superfund Tribal Update 7-27-17.docx

Attached is a SF tribal document in preparation for today's 5:00.

*Becky Brooks  
Special Assistant  
Office of Land and Emergency Management  
U.S. Environmental Protection Agency  
ph. 202-566-2762*



Message

**From:** Larry Davis [Ex. 6 - Personal Privacy]@netnitco.net]  
**Sent:** 7/26/2017 11:15:15 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**CC:** 'Larry Davis' [Ex. 6 - Personal Privacy]@netnitco.net]; 'Maritza Lopez' [Ex. 6 - Personal Privacy]@gmail.com]; 'Rev. Cheryl Rivera' [Ex. 6 - Personal Privacy]@live.com]; 'Thomas Frank' [Ex. 6 - Personal Privacy]@thomasfrank.org]; 'Akeeshea Daniels' [Ex. 6 - Personal Privacy]@att.net]; 'Sara Lynn' [Ex. 6 - Personal Privacy]@att.net]; 'Tara Adams' [Ex. 6 - Personal Privacy]@yahoo.com]; 'Mary Poe' [Ex. 6 - Personal Privacy]@gmail.com]; 'Lori' [Ex. 6 - Personal Privacy]@aol.com]; 'Elbert Williams' [Ex. 6 - Personal Privacy]@gmail.com]; 'raymond mosley' [Ex. 6 - Personal Privacy]@gmail.com]; 'Sarah Willis' [Ex. 6 - Personal Privacy]@gmail.com]; [Ex. 6 - Personal Privacy]@yahoo.com; 'Byron Duke Florence' [Ex. 6 - Personal Privacy]@gmail.com]; 'Byron Florence' [Ex. 6 - Personal Privacy]@gmail.com]; [Ex. 6 - Personal Privacy]@hotmail.com; [Ex. 6 - Personal Privacy]@yahoo.com; 'Pamela Berry' [Ex. 6 - Personal Privacy]@gmail.com]; 'Michael Jacobi' [Ex. 6 - Personal Privacy]@gmail.com]; 'Deborah Gail Musiker' [Ex. 6 - Personal Privacy]@law.northwestern.edu]; 'Waikar, Anjali' [Ex. 6 - Personal Privacy]@nrdc.org]; 'Geertsma, Meleah' [Ex. 6 - Personal Privacy]@nrdc.org]; 'Templeton, Mark' [Ex. 6 - Personal Privacy]@uchicago.edu]; 'Emily Coffey' [Ex. 6 - Personal Privacy]@povertylaw.org]; 'Kate Walz' [Ex. 6 - Personal Privacy]@povertylaw.org]; 'Gilman, Emily D.' [Ex. 6 - Personal Privacy]@goldbergkohn.com]; 'Chizewer, David' [Ex. 6 - Personal Privacy]@goldbergkohn.com]; 'Samuel Henderson' [Ex. 6 - Personal Privacy]@hecweb.org]  
**Subject:** RE: July 15, 2017 Indiana Harbor CDF & USS Lead Superfund Meetings  
**Attachments:** Mr Albert Kelly July 27, 2017.docx  
**Importance:** High

July 27, 2017

To: Mr. Albert Kelly  
Senior Advisor to the Administrator  
Office of the Administrator  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
(202) 564-5086  
(202) 306-8830  
< [kelly.albert@epa.gov](mailto:kelly.albert@epa.gov) >

From: Larry Davis

Ex. 6 - Personal Privacy

RE: July 15, 2017 Indiana Harbor CDF & USS Lead Superfund Meetings

Dear Mr. Kelly,

I want to personally thank you for enduring the five hours of toxic tribulations you witnessed Saturday July 15, 2017 in East Chicago, Indiana. This correspondence is entirely my own as a concerned taxpaying citizen I am not representing an organization.

I hope that you realize as I do that Superfund is broken and is failing to protect people of the United States from toxic wastes and their adverse health impacts.

In East Chicago we see the generational damage that chronic toxic waste exposure has produced. A community of color where children evacuated from one school built on the USS Lead Superfund site are relocated to a school that is one-third of a mile from where the United States Environmental Protection Agency (US EPA) and the United States Army Corps of Engineers (USACE) are creating the largest Dioxin & Polychlorinated biphenyl (PCBs) land disposal facility in the Great Lakes – most likely a future toxic waste Superfund site for Northwest Indiana...

I would like to provide you with some background on topic starting with the USS Lead Superfund site.

The ancient Greeks recognized Lead and Arsenic as poison over 2,200 years ago – anyone involved in this industry in East Chicago, Indiana saying that they did not know the hazards and risks of Lead and Arsenic are being deceitful...

The State of Indiana first discovered Lead contamination in 1985 with sample results with Lead levels “as high as 594,420 mg Pb/g (ppm)” parts per million (ppm) – in other words, over half Lead content in the soil off-site of the USS Lead Refinery’s property.

This was followed up with sampling by US EPA which confirmed extremely high levels of Lead in the soil of the West Calumet area of East Chicago, Indiana.

In 1989 representatives for USS Lead Refinery signed a Partial Interim Agreed Order in Cause No. N-296 Indiana Department of Environmental Management (IDEM) versus USS Lead Refinery.

The Agreed Order required the company to conduct sampling and analysis for: “...all contaminated areas to determine the extent, area, and depth of contamination” and implement a cleanup plan that: “addresses what remedial action will be performed to ensure the removal of all contamination.”

Today the US EPA, HUD, and the responsible parties are not providing anything close to what the company originally agreed to do in 1989.

All the decision making surrounding the USS Lead Superfund site has only been based upon what was considered a toxic particulate aerial deposition contamination event as a result of Lead smelting and alloying process smoke stacks and toxic dust from waste piles blowing with the wind...

We know that the West Calumet Housing Complex has extremely high levels of Lead in soil and inside homes with test results at 92,000 ppm Lead and 32,000 ppm Lead respectively. And we know the ground water there tests at 16,000 ppm Lead.

We know that millions of tons of Lead products were produced over the decades by the Lead industry operating in East Chicago, Indiana and that subsequently production of toxic wastes in the forms of dusts, slag, and dross were also generated by the millions of tons over time.

This toxic waste was dumped in nearby swamp – dune and swale topography consisting of twenty to thirty foot tall heavily vegetated sand dunes separated by low areas (swale) of wetlands similar to what can still be observed in nearby natural areas.

US EPA and the United States Department of Housing and Urban Development (HUD) have not identified where the millions of tons of these toxic wastes are located even though historical photographs clearly illustrate the land filling of the area over time.

Groundwater sampling is planned by US EPA without yet having identified any source(s) of contamination which is required to properly design a valid groundwater model and sampling plan. This is a waste of resources since we already know the groundwater at West Calumet tested at 16,000 ppm Lead. Sources of contamination must be identified first and a properly designed groundwater sampling and analysis plan needs to be implemented.

Currently US EPA and HUD plan to pay contractors to dig up the USS Lead Superfund site in the West Calumet Housing Complex three times:

- 1) Contractors paid to remove and stockpile contaminated soil during utility removal,
- 2) Contractors paid to replace the contaminated soil back into the utility excavations, and
- 3) Contractors paid to remove up to two feet of contaminated soil or implement some other interim or final remedy as selected by US EPA.

All these U.S. taxpayer dollars spent and contractor activity taking place on a toxic waste Superfund site and we still will not achieve any permanent remedy or complete cleanup of West Calumet. This is an outrageous squandering of tax dollars!

How many times does the federal government have to pay contractors to dig in the toxic soils found in the USS Lead Superfund site before we actually get a complete cleanup?

In fact, the money spent so far in not achieving a permanent remedy could have provided an equitable and just means for churches, businesses, property owners, and renters to move as a community to a clean & healthy area away from the USS Lead Superfund site.

Parallels between the infamous Love Canal toxic waste catastrophe In New York and the USS Lead Superfund site in Indiana include:

- 1) Residents are unaware of living on top of or adjacent to toxic wastes;
- 2) Children chronically exposed to contaminated dusts, soils, and waters;
- 3) Toxic waste contamination in schools, parks, and playgrounds;
- 4) Severely contaminated groundwater is documented and toxic contaminants are seeping into basements and drainage systems;
- 5) A portion of the Superfund site was forced to evacuate while other people are forced to remain behind in a known toxic waste contaminated environment;

- 6) Residents are told that it is safe to remain during demolition and emergency removal actions and are given false impressions of a permanent cleanup and restoration of their properties.

US EPA contractors are involved in an Emergency Removal Action only removing soil down to two feet deep at residences and parks. However US EPA in local public meetings speak of “Cleanups” and “Restoration” when in reality the Emergency Removal Action entails leaving areas under: sidewalks, patios, shrubs & trees, etc. unaddressed and ignores areas of visible contamination e.g. large chunks of slag found in parks and yards that are subsequently reburied by topsoil and sod even though visible contamination removal is required in USS Lead Superfund site’s consent decree.

The lessons learned at the Love Canal and Tar Creek Superfund sites seem to have been lost and forgotten when it comes to East Chicago, Indiana.

No one in the United States of America should have to live on a toxic waste Superfund site.

The Superfund Amendments and Reauthorization Act (SARA): SARA requires U.S. EPA to give preference to and use permanent solutions and alternative treatment technologies “to the maximum extent practicable” with “reductions in volumes, mobility, and toxicity” of the wastes.

The only sure way to ensure toxic waste risk reduction is to eliminate the hazard.

And the only sure way to eliminate toxic waste liabilities for both the responsible parties and the community is to achieve a permanent cleanup. You might ask how clean?

“Moving hazardous waste from one hole in the ground to another is the non-solution that was behind SARA’s preference for permanent cleanup.” – U.S. Congress, Office of Technology Assessment (OTA)

“OTA considers that a site has been permanently cleaned up when the contamination that was the cause of high enough risk to warrant cleanup (either current or future risk) is rendered irreversibly harmless through destruction (e.g., incineration or biological treatment) or recovery and reuse of the hazardous substances (e.g., recovery of lead from contaminated soil and buried battery casings)” – U.S. Congress, Office of Technology Assessment

“Cost-benefit thinking allows nearly any kind of cleanup decision to be rationalized and undermines the environmental goals of Superfund. Cost-benefit reasoning backs up the selection of impermanent remedies because of excessive flexibility in cleanup goals.” – U.S. Congress, Office of Technology Assessment

“Impermanent remedies results in: “Spending on cleanup remedies which are unlikely to be permanent, leading to more spending in the long term for re-cleanups and perhaps posing exposures, risks, and damage to health and environment.” – U.S. Congress, Office of Technology Assessment

“...certain kinds of action are inconsistent with permanence, including any form of land disposal or containment, and any use of engineering or institutional controls, including long term monitoring for releases. All of these mean:

- 1) Site hazardous material remains hazardous;
- 2) There is uncertainty about releases of hazardous material and, therefore, risks to health and environment; and
- 3) There are a host of uncontrollable possible future events which might compromise the effectiveness of the protection.

“...OTA disagrees with the notion that land disposal or engineering or institutional controls provide a “degree of permanence.” What varies is the level of protection provided by different cleanup technologies and methods, not the degree of permanence. To tell the public that a remedy is permanent for perhaps a decade does not build public confidence.” – U.S. Congress, Office of Technology Assessment

Our government must provide an equitable and just means for churches, businesses, property owners, and renters to move as a community to a clean & healthy area away from the USS Lead Superfund site based upon the needs of the community.

Select a permanent remedy that ensures unrestricted and safe use of the land in the future – that will actually be a complete cleanup and restoration of the land and groundwater.

By comparison look what US EPA did in Pitcher, Oklahoma, at the Tar Creek Superfund site where “...EPA and the state of Oklahoma agreed to a mandatory evacuation and buyout of the entire township. The similarly contaminated satellite towns of Treece, Kansas and Cardin, Oklahoma were included in the Tar Creek Superfund site.”

“EPA/HUD Joint Statement on the Picher, Oklahoma, Housing Authority

Release Date: 01/26/2009

Contact Information: Dave Bary or Anthony Suttice at 214-665-2200 or < [r6press@epa.gov](mailto:r6press@epa.gov) >

(Dallas, Texas – January 26, 2009) Officials of the Regional offices of the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Housing and Urban Development (HUD) are working together to ensure that families living in the Picher area are not adversely affected by the Tar Creek Superfund site. EPA and HUD support the voluntary relocation of residents currently under way.”

Metal Smelters are always a concern due the nature of the toxic wastes produced by smelting and alloying processes. The people within the Tar Creek Superfund site were bought out but where toxic metal was smelted and alloyed in East Chicago, Indiana people have been left behind to suffer more chronic exposures to toxic wastes...

When a person can safely grow a garden without worry about being poisoned and feed themselves and their family then it's clean enough.

When a person can safely drill a well without worry about being poisoned and use that source of fresh water safely then it's clean enough. This level of clean also would ensure that any basements with water seepage would be free from toxic contamination.

With respect to the Indiana Harbor and Canal (IHC) dredging operations and Indiana Harbor Confined Disposal Facility (CDF) operations the phrase: "making matters worse" comes to mind...

Once again we see federal contractors involved in an impermanent removal action and failing containment strategy involving toxic wastes which are untreated and open dumped into a land disposal facility that does not meet current federal and state laws and regulations for: Siting, Design, Construction, or Operation of a Toxic Substances Control Act (TSCA) chemical landfill.

We are witnessing the next toxic waste Superfund site being created before our own eyes and it does not begin to eliminate toxic threats to public health here in Northwest Indiana in fact it adds more Risk to adults and children who's health is already in jeopardy with a 310 in one million cancer risk due to current levels of pollution...

US EPA's normal acceptable risk level is 1 in one million cancer Risk.

Commonsense would tell you that a single toxic volatile chemical could not possibly represent the vast number of hazards and risks known to be present in the heavily contaminated toxic Dioxin & PCB laced IHC sediments that are being dredged up by the United States Army Corps of Engineers (USACE) and then open dumped one third of a mile from schools, parks and residences in East Chicago, Indiana.

These toxic sediments have been describe as; "among the most contaminated and toxic that have ever been reported."

And as ridiculous as it may sound, that single chemical is: Naphthalene, commonly known as traditional mothballs – a solid white crystalline chemical that has vapors heavier than air and evaporates very slowly making it less likely to be detected given the way USACE is conducting their single chemical air pollution monitoring.

One definition of "mothball" is: "a state of having been rejected for further use or dismissed from further consideration."

That definition precisely describes how people's concerns over further poisoning of their community are being dismissed from consideration by USACE, US EPA, and the Indiana Department of Environmental Management (IDEM).

The USACE has failed for over four decades to come up with anything better than dredging up heavily contaminated toxic waste laced with Dioxin & PCBs and open dumping it next to schools,

parks and residences – something that if anyone else did would make themselves subject to criminal prosecution under the law.

The fraudulent scheme USACE and US EPA are using considers the hazard and risk posed by mothballs alone in calculating an “Acceptable Risk” to people’s health – this is not representative of all the Risks in the highly contaminated toxic IHC sediments.

And Real Time Monitoring only for mothballs ensures that the true extent of the releases of toxic volatile chemicals, including Dioxin & PCBs, during dredging, debris separation, and disposal operations will never be adequately monitored or reported to the public.

Commonsense tells you that the real hazards and risks are far greater than just mothballs and that current operational practices are far from being acceptable for the heavily contaminated toxic Dioxin & PCB sediments being disturbed and dumped.

Real Time Monitoring must use state-of-the-art technology which is capable of monitoring for all toxic volatile chemical air pollution during dredging and disposal operations to ensure protection of public health and safety in Northwest Indiana.

As opposed current uncontrolled open air practices, heavily contaminated debris separation and toxic sediment handling must take place in an enclosed process that ensures zero discharge of toxic volatile chemicals into Northwest Indiana’s air.

Current USACE plans include leaving 45% to 55% of the most heavily contaminated Dioxin & PCB sediments exposed in place in the IHC after dredging and covering with a gravel cap. The PCBs will still be in the water column as they volatilize from the highly contaminated exposed sediments which are now destabilized by incomplete dredging.

To stop the release of these toxins into Lake Michigan all of heavily contaminated toxic Dioxin & PCB IHC sediment must be dredged to a clean bottom for the entire IHC regardless of the extent of USACE’s navigational boundaries. The USACE started this process and now must own the situation they have created in making matters worse by destabilizing toxic sediments in the IHC and increasing the spread of toxins into our air, water and land.

All debris and toxic sediments must be detoxified before land disposal to eliminate future toxic liability for both the polluting companies and the community’s health – combinations of technologies to effectively do this have been around for decades (but due to length of this correspondence that is a subject for another discussion...).

Sincerely;

Larry Davis

**Ex. 6 - Personal Privacy**

**Ex. 6 - Personal Privacy**

P.S. More details or references for any above information are available upon request.



Message

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**From:** John Berrey [Ex. 6 - Personal Privacy]@ogahpah.com]  
**Sent:** 4/6/2018 2:27:45 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**Subject:** Fwd: DRAFT - Pruitt's EPA Gets High Marks for Pushing Superfund Clean-Up

Kel, this is a draft of a press event. I've spoken to our delegation and we are requesting quotes from them. Have a great day

----- Forwarded message -----

**From:** Sean Harrison [Ex. 6 - Personal Privacy]@sbcglobal.net>  
**Date:** Fri, Apr 6, 2018 at 9:23 AM  
**Subject:** DRAFT - Pruitt's EPA Gets High Marks for Pushing Superfund Clean-Up  
**To:** John Berrey [Ex. 6 - Personal Privacy]@ogahpah.com>, Tim L. Kent [Ex. 6 - Personal Privacy]@hotmail.com>, Craig Kreman [Ex. 6 - Personal Privacy]@quapawtribe.com>

Chairman, Tim and Craig — I wanted to show you my “start” on the EPA/Scott Pruitt news release, to make sure it is going in the right direction before I continue on it this morning. Please see below, and offer any suggestions you might have.

DRAFT — for internal review only

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## **Pruitt's EPA Gets High Marks for Pushing Superfund Clean-Up**

(QUAPAW, Okla.) — From this corner of Indian Country, opinion runs high of Administrator Scott Pruitt's tenure at the Environmental Protection Agency.

Pruitt has pushed through a remarkable improvement in the process and speed of cleaning up and reclaiming toxic former mining land in the Tar Creek district of northeast Oklahoma, an EPA superfund site previously mired in a generations-long stalemate.

“It's a dramatic change,” said \_\_\_\_\_. “After decades wrought with administrative delays, lack of funding and neglect, we are now experiencing an efficient and well managed clean up of the Tar Creek Superfund site. It is amazing, the difference under Administrator Pruitt's leadership.”

Where a few years ago enormous piles of lead- and zinc-poisoned mining waste stood, and where bleak, barren and useless land stretched for miles, there are now cattle grazing on a renewed landscape that hasn't seen green grass in ages. Some areas are ready for seeding row crops this spring. The Quapaw Tribe of Oklahoma, who has called this place home since about 1835 when its people were removed from Arkansas, is the local leader in the clean-up project.

The arrangement represents a government-to-government relationship that is serving as a model for what Pruitt had in mind when he took over the EPA — to empower the local stakeholders in the process of cleaning up prioritized superfund sites, because those are the people who will remain there afterward.

...

quote:

Under the current EPA management it is clear the focus on the mission of remediation at the Tar Creek Superfund has dramatically changed. Under the leadership of Administrator Scott Pruitt the changes at the site are palatable. More work at a lower cost has accelerated the environmental transformation from a moon scape to row crops. We are so proud of Scott's performance, it's the greatest government response we have ever seen at Tar Creek.

--  
Sean Harrison  
(479) 236-3166  
Ex. 8 - Personal Privacy [@sbcglobal.net](mailto:sharrison@sbcglobal.net)

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John L Berrey  
Chairman  
Quapaw Tribe BC, DDA

Message

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**From:** Gulliford, Jim [gulliford.jim@epa.gov]  
**Sent:** 5/1/2018 8:51:02 PM  
**To:** Idsal, Anne [idsal.anne@epa.gov]  
**CC:** Hladick, Christopher [hladick.christopher@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Kelly, Albert [kelly.albert@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Servidio, Cosmo [Servidio.Cosmo@epa.gov]; Glenn, Trey [Glenn.Trey@epa.gov]; Stepp, Cathy [stepp.cathy@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Strauss, Alexis [Strauss.Alexis@epa.gov]  
**Subject:** Re: Farewell

Hey Kell - we all will miss you and your assistance in many ways. While West Lake was rarely fun, you made a difference in the lives of many people in Bridgeton. Know that the West Lake team will always be appreciative of the fact that you stood with us.

Always our best wishes,

Jim

Sent from my iPhone

On May 1, 2018, at 1:28 PM, Idsal, Anne <[idsal.anne@epa.gov](mailto:idsal.anne@epa.gov)> wrote:

Kell,

Thank you for all of the support you afforded to Region 6. From Tar Creek to San Jacinto, among others, your work and assistance has been invaluable. Take care and know that you'll be missed.

Best,  
Anne

Sent from my iPhone

On May 1, 2018, at 1:12 PM, Hladick, Christopher <[hladick.christopher@epa.gov](mailto:hladick.christopher@epa.gov)> wrote:

The Port of Portland project would not be moving without your help. Thank you. Best of luck.

Sent from my iPhone

On May 1, 2018, at 11:06 AM, Dunn, Alexandra <[dunn.alexandra@epa.gov](mailto:dunn.alexandra@epa.gov)> wrote:

Kell,

We will miss you in Region 1. You personally advanced clean up work at several of our contentious sites and for that we – and the environment and public health - are grateful. Be well.

Alexandra Dapolito Dunn, J.D.  
Regional Administrator

Region 1 New England  
5 Post Office Sq. Suite 100  
Mail Code: ORA01-4  
Boston, MA 02109-3912

Desk: (617) 918-1012  
Mobile: (857) 291-4405  
Fax: (617) 918-0012  
[dunn.alexandra@epa.gov](mailto:dunn.alexandra@epa.gov)

---

**From:** Kelly, Albert  
**Sent:** Tuesday, May 1, 2018 2:00 PM  
**To:** Dunn, Alexandra <[dunn.alexandra@epa.gov](mailto:dunn.alexandra@epa.gov)>; Lopez, Peter <[lopez.peter@epa.gov](mailto:lopez.peter@epa.gov)>; Servidio, Cosmo <[Servidio.Cosmo@epa.gov](mailto:Servidio.Cosmo@epa.gov)>; Glenn, Trey <[Glenn.Trey@epa.gov](mailto:Glenn.Trey@epa.gov)>; Stepp, Cathy <[stepp.cathy@epa.gov](mailto:stepp.cathy@epa.gov)>; Idsal, Anne <[idsal.anne@epa.gov](mailto:idsal.anne@epa.gov)>; Gulliford, Jim <[gulliford.jim@epa.gov](mailto:gulliford.jim@epa.gov)>; Benevento, Douglas <[benevento.douglas@epa.gov](mailto:benevento.douglas@epa.gov)>; Strauss, Alexis <[Strauss.Alexis@epa.gov](mailto:Strauss.Alexis@epa.gov)>; Hladick, Christopher <[hladick.christopher@epa.gov](mailto:hladick.christopher@epa.gov)>  
**Subject:** Farewell

I have now been able to speak with each of you about my departure. Thank you all again for making the last year one of my best professionally. You are all such good and committed leaders and make the EPA a better, more responsive agency. I hope to hear from you all over time. My personal contact information is

**Ex. 6 - Personal Privacy**

If I can be of help with anything, never hesitate to call. If you come across a job for a worn out Okie, please send it my way. Thanks again.

Albert Kelly  
Senior Advisor to the Administrator  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
202 306 8830

**To:** Kelly, Albert[kelly.albert@epa.gov]  
**From:** John Berrey  
**Sent:** Thur 3/15/2018 12:51:56 AM  
**Subject:** Re: FW: call

Let's talk tomorrow, we had a great day today.

On Wed, Mar 14, 2018 at 7:38 PM Kelly, Albert <kelly.albert@epa.gov> wrote:

Hello Chairman Berry. When you have a convenient time, I would like to ask for a phone conversation to discuss Tar Creek

Albert Kelly

Senior Advisor to the Administrator

1200 Pennsylvania Avenue, NW

Washington, DC 20460

Ex. 6 - Personal Privacy

--

John L Berrey  
Chairman  
Quapaw Tribe BC, DDA

Message

---

**From:** Idsal, Anne [idsal.anne@epa.gov]  
**Sent:** 5/1/2018 6:28:00 PM  
**To:** Hladick, Christopher [hladick.christopher@epa.gov]  
**CC:** Dunn, Alexandra [dunn.alexandra@epa.gov]; Kelly, Albert [kelly.albert@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Servidio, Cosmo [Servidio.Cosmo@epa.gov]; Glenn, Trey [Glenn.Trey@epa.gov]; Stepp, Cathy [stepp.cathy@epa.gov]; Gulliford, Jim [gulliford.jim@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Strauss, Alexis [Strauss.Alexis@epa.gov]  
**Subject:** Re: Farewell

Kell,

Thank you for all of the support you afforded to Region 6. From Tar Creek to San Jacinto, among others, your work and assistance has been invaluable. Take care and know that you'll be missed.

Best,  
Anne

Sent from my iPhone

On May 1, 2018, at 1:12 PM, Hladick, Christopher <[hladick.christopher@epa.gov](mailto:hladick.christopher@epa.gov)> wrote:

The Port of Portland project would not be moving without your help. Thank you. Best of luck.

Sent from my iPhone

On May 1, 2018, at 11:06 AM, Dunn, Alexandra <[dunn.alexandra@epa.gov](mailto:dunn.alexandra@epa.gov)> wrote:

Kell,  
We will miss you in Region 1. You personally advanced clean up work at several of our contentious sites and for that we – and the environment and public health - are grateful. Be well.

Alexandra Dapolito Dunn, J.D.  
Regional Administrator

Region 1 New England  
5 Post Office Sq. Suite 100  
Mail Code: ORA01-4  
Boston, MA 02109-3912

Desk: (617) 918-1012  
Mobile: (857) 291-4405  
Fax: (617) 918-0012  
[dunn.alexandra@epa.gov](mailto:dunn.alexandra@epa.gov)

---

**From:** Kelly, Albert  
**Sent:** Tuesday, May 1, 2018 2:00 PM  
**To:** Dunn, Alexandra <[dunn.alexandra@epa.gov](mailto:dunn.alexandra@epa.gov)>; Lopez, Peter <[lopez.peter@epa.gov](mailto:lopez.peter@epa.gov)>; Servidio, Cosmo <[Servidio.Cosmo@epa.gov](mailto:Servidio.Cosmo@epa.gov)>; Glenn, Trey <[Glenn.Trey@epa.gov](mailto:Glenn.Trey@epa.gov)>; Stepp, Cathy <[stepp.cathy@epa.gov](mailto:stepp.cathy@epa.gov)>; Idsal, Anne <[idsal.anne@epa.gov](mailto:idsal.anne@epa.gov)>; Gulliford, Jim

<gulliford.jim@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Strauss, Alexis <Strauss.Alexis@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>

**Subject:** Farewell

I have now been able to speak with each of you about my departure. Thank you all again for making the last year one of my best professionally. You are all such good and committed leaders and make the EPA a better, more responsive agency. I hope to hear from you all over time. My personal contact information is Ex. 6 - Personal Privacy and Ex. 6 - Personal Privacy. If I can be of help with anything, never hesitate to call. If you come across a job for a worn out Okie, please send it my way. Thanks again.

Albert Kelly  
Senior Advisor to the Administrator  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
202 306 8830

Message

---

**From:** Edlund, Carl [Edlund.Carl@epa.gov]  
**Sent:** 2/5/2018 3:20:12 PM  
**To:** Atkins, Blake [Atkins.Blake@epa.gov]  
**CC:** Phillips, Pam [phillips.pam@epa.gov]; Sanchez, Carlos [sanchez.carlos@epa.gov]; Casanova, Rafael [Casanova.Rafael@epa.gov]; Lockett, Casey [Lockett.Casey@epa.gov]; Kelly, Albert [kelly.albert@epa.gov]  
**Subject:** Re: Tar creek

Thanks Blake....a good list.

Kell- interested in any of these events?

Sent from my iPad

On Feb 5, 2018, at 8:41 AM, Atkins, Blake <[Atkins.Blake@epa.gov](mailto:Atkins.Blake@epa.gov)> wrote:

Carl, here are some upcoming Tar Creek trips that might be of interest. The reuse/redevelopment opportunity in Miami, and discussion regarding institutional controls with BIA may be of particular interest.

2/20/18: Meeting with the City of Miami and ODEQ to discuss Miami's interest in acquiring a commercial property and inactive rail spur located within the Tar Creek Superfund site. The acquisition is an economic development project for the City which will provide rail access to several companies located near the rail spur. A local chat processors has expressed interest in using the commercial property to ship chat.

2/20/18: Host a Tar Creek site tour for the BIA Miami Agency. The tour will include visits to restricted properties which need institutional controls (ICs) to protect the cleanup and ensure long term stewardship. EPA is working with BIA to reach an agreement on the ICs issue since the BIA is the federal agency with the regulatory authority to place deed notices on restricted properties.

2/21/18: Monthly Tar Creek meeting. Meeting attendees include representatives from EPA, ODEQ, the Quapaw Tribe and the BIA. All entities are involved with on-going remedial activities at the site.

3/28/18: Region 6 and Region 7 Managers meeting to discuss coordinated efforts for all operable units of the Tar Creek Superfund site.

3/28/18: Tar Creek Stakeholder meeting: EPA Regions 6 and 7 will participate in a meeting with the Tar Creek stakeholders to provide site updates and action status.

Blake Atkins, Chief  
LA/NM/OK Remediation Section  
EPA Region 6 Superfund Division  
1445 Ross Ave (6SF-RL)



Dallas, TX 75202  
214-665-2297 w  
214-406-5907 c

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**From:** Edlund, Carl  
**Sent:** Sunday, February 04, 2018 7:40 PM  
**To:** Phillips, Pam <[phillips.pam@epa.gov](mailto:phillips.pam@epa.gov)>; Sanchez, Carlos <[sanchez.carlos@epa.gov](mailto:sanchez.carlos@epa.gov)>; Casanova, Rafael <[Casanova.Rafael@epa.gov](mailto:Casanova.Rafael@epa.gov)>; Atkins, Blake <[Atkins.Blake@epa.gov](mailto:Atkins.Blake@epa.gov)>  
**Subject:** Fwd: Tar creek

Any thoughts? Events that he could hook into?

Sent from my iPad

Begin forwarded message:

**From:** "Kelly, Albert" <[kelly.albert@epa.gov](mailto:kelly.albert@epa.gov)>  
**Date:** February 4, 2018 at 2:01:17 PM CST  
**To:** "Edlund, Carl" <[Edlund.Carl@epa.gov](mailto:Edlund.Carl@epa.gov)>  
**Subject:** Tar creek

I would like to schedule a visit to Tar Creek. What would you suggest?

Sent from my iPhone

Message

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**From:** Edlund, Carl [Edlund.Carl@epa.gov]  
**Sent:** 2/5/2018 3:20:04 AM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**Subject:** Tar Creek Visit

Sure, come on down. I'll check with my staff to see if there is an event but even if there isn't, we'd help facilitate a visit.

Sent from my iPhone

Message

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**From:** [Ex. 6 - Personal Privacy]@att.net [Ex. 6 - Personal Privacy]@att.net]  
**Sent:** 3/13/2018 9:23:12 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**Subject:** slow to get this to you  
**Attachments:** Letter FERC RJIM.pdf

Hi Mr. Kelly,

My thoughts are not always clearly stated, but I wanted you to see my attempt at this comment letter.

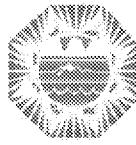
Thank you for reading it.

And thank you for the idea to bring the agencies together to work on the big picture.

Rebecca Jim



Virus-free. [www.avast.com](http://www.avast.com)



Federal Energy Regulatory Commission  
Office of Energy Projects  
Washington, DC

**Project No. 1494-438**

**Scoping Document 1** For The Pensacola Hydroelectric Project by Grand River Dam Authority:

Submitted by Rebecca Jim, Executive Director, LEAD Agency, Inc.

The Pre-Application Document (PAD) by Grand River Dam Authority (GRDA) for relicensing of the Pensacola Hydroelectric Project No. P- 1494-438 (Pensacola Project) located in Craig, Delaware, Mayes and Ottawa Counties, Oklahoma is in review by FERC. I serve as the Executive Director and as the Tar Creekkeeper for LEAD Agency, Inc., Local Environmental Action Demanded, a citizens' environmental justice organization in Northeast Oklahoma. The Tar Creekkeeper program is an affiliate of the Waterkeeper Alliance and as such is an advocate for Tar Creek. In response to the invitation by FERC for "resource agencies" to have the opportunity to provide comments and recommendations to the Scoping Document 1 (SD1), I am submitting the following:

**Comments and Recommendations:**

**Cumulative effects and site-specific resource issues within the SD1.**

**Cumulative Effects:**

The effect on the environment that results from the incremental effect of the action when added cumulatively to other past, present and reasonable foreseeable future actions is the definition used by the Council on Environmental Quality's regulation for implementing NEPA.

The Scoping phase (Phase 1) by FERC of the license deals with the renewal for the Grand River Dam Authority which manages the hydropower generation, water supply, recreation and wildlife enhancement of the Grand Lake o' the Cherokees.

Since the Pensacola dam was completed in 1940 with an expected 60 year lifespan, sediments have been accumulating, some with contaminated heavy metals, much coming from the five Superfund Sites that make up the Tri-State Mining District in the states of Oklahoma, but also Missouri and Kansas. Abandoned lead and zinc mines cover 500 square miles and all of it drains into Oklahoma. Sediments are known to have settled into the rivers and ultimately into our Grand Lake. The Neosho is silted in as is the upper end of the lake.

A 50 year license renewal needs to be addressing the current sediments and the sediments that are bound to follow in the future and the cumulative effects of the contaminated sediments on the environment, the water quality, public water quality, the health impacts on wildlife and those impacts on human health (fish advisories for lead).

**Tar Creek:** The Tar Creek Superfund Site is the largest of the five Superfund Sites and encompasses a 47 sq. mi. area. The mine drainage from Tar Creek began in 1979. Grand Lake can no longer fail to recognize the impact Tar Creek and the mine drainage has on the lake. Tar Creek was placed on EPA's National Priorities List in 1983 as the #1 worst site in the nation, and has been by-passed for cleanup through the decades since, with some work accomplished, or attempted in Operable Unit 1 (OU-1) and in 1986 recognized their remedy had failed and has not gone back to address it fully since then. Tar Creek will be part of the OU-4 cleanup, but that work is shifting to OU-5 which is still in the planning stages. Until the continued mine water discharges are contained and treated at the site, Grand Lake will be receiving ever more mine metals.

The cumulative effects compound the heavy metal loading in the lake, contaminating the sediments, fish and wildlife who consume them. More years of loading await the lake.

**Recommendations:** I am recommending FERC and GRDA deal with the contaminated sediments already in the lake and begin the process of how the dredging of Grand Lake can be done as environmentally responsibly to protect the fish, wildlife and human health during this 30-50 year license permit.

**1) Superfund:**

The EPA will ultimately be faced with dredging the upper end of the lake to remediate the contaminated sediments (at the least). The middle channel may need to be dredged for the same reason.

**2) The lake is silting in** and the GRDA has to manage the level for flood control AND to generate electricity. This will be harder and harder over time as the lake silts in. The lake will have to be dredged (or abandoned with the dam removed). But there are countless people dependent on the lake as their primary drinking water source.

Dredging must be considered in the EIS for the permit. Coordination with EPA to control the movement of metals into the lake devised and implemented as soon as possible.

Grand Lake is a primary drinking water source for several local communities and rural water districts. I drink Grand Lake water at my home. Craig County Rural Water District # 2 had a problem for 18 months recently for the high levels of HAA-5. The U.S. Environmental Protection Agency (EPA) has classified them as a human carcinogen. When the lake water is high in nutrients and/ or bacteria and is heavily chlorinated this can create the production of HAA-5 (Haloacetic acids).

Dredging the lake is a key issue but for human health and for lake survival.

DEQ shows in their 303(d) report that fish in all three segments of the lake are contaminated with lead and all three segments fail to meet their Beneficial Use for Fish Consumption, for the Neosho and Spring Rivers.

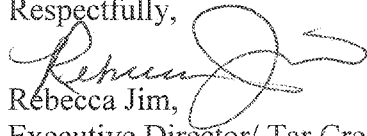
Additional Recommendation: I am asking FERC **allow an addition 60 days extension** to this comment period so we can work through this problem of dredging and mine drainage to make it a more viable piece for inclusion to the EIS. The original 1986 Record of Decision should be revisited to consider treating the mine drainage before it enters Tar Creek as one of the remedies listed then.

After working in Ottawa County for nearly 40 years, I have seen families suffer through flood after flood. Flooding is not a rare occurrence and affects not only those with property losses, but changes the ability of towns to operate fully for days at a time, creating more financial losses and use of time and energy to route around the flooded parts of Ottawa County to manage some semblance of normalcy. Parts of people and parts of towns die in floods and this needs to be part of the consideration in this process.

I am requesting a Memorandum of understanding MOU an agreement for the following parties: FERC, the Grand River Dam Authority and EPA to begin the process of working together to address the full scope of the issues that surround this project.

Thank you for considering my comments and recommendations.

Respectfully,

A handwritten signature in cursive script, appearing to read 'Rebecca Jim', written in dark ink.

Rebecca Jim,  
Executive Director/ Tar Creekkeeper

Message

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**From:** Gulliford, Jim [gulliford.jim@epa.gov]  
**Sent:** 3/13/2018 2:34:14 PM  
**To:** Epp, Timothy [Epp.Timothy@epa.gov]  
**CC:** Wagner, Kenneth [wagner.kenneth@epa.gov]; Kelly, Albert [kelly.albert@epa.gov]; Flournoy, Karen [Flournoy.Karen@epa.gov]; Katie Howard [kates8@yahoo.com]  
**Subject:** Region 7 Lead Discussion  
**Attachments:** DRAFT- Region 7 Lead Portfolio v3.docx

Hey Tim – I will be in DC March 29-30 and wonder if there is a chance I could stop by and talk with you regarding lead issues in Region 7. Katie Howard has worked with R7 staff to prepare the attached draft of the region's lead portfolio. It's being reviewed by staff but I wanted to share it with you in its initial form.

I expect to arrive and be available to meet March 29 @ 10:30, and I leave for the airport at 1:00 March 30. I will be attending the SES graduation at 3:00 pm the 29<sup>th</sup>. Again, if you are available I would like to stop by and get acquainted.

Jim Gulliford

Jim Gulliford  
Region 7 Administrator  
11201 Renner Blvd.  
Lenexa, KS 66219

# **DRAFT- EPA Region 7 Lead Portfolio**

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A compilation of the lead work being done across the region.



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## REGULATORY WORK

*Rule Implementation, Cleanups of Note, Cleanup Pilots*

### ➤ COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA):

#### **Superfund Residential Lead Cleanup**

**Responsible Unit:** Superfund Division

**POC:** Gene Gunn

As of the end of FY2017, over 23,000 residential properties have had lead contaminated yard soil removed and replaced at 20 Superfund sites, some of which are countywide (in Omaha, Nebraska; the Tri-State Mining District in Southwest Missouri and Southeast Kansas; the Old and New Lead Belts in Southeast Missouri; and Central Mining District in Central Missouri). The Superfund work included the excavation and replacement of approximately 3.7 million cubic yards of residential soil and revegetation of the surface. Extensive health education and outreach has accompanied the cleanup efforts and significant reductions in blood-lead levels have been documented. In addition, alternate drinking water has been provided to over 3,600 homes.

#### **For More Information:**

View the [Superfund site profile pages](#) for or contact the POC about the Superfund Electronic Management System Documents for residential investigative or response activities for any of the following sites: Omaha Lead Site, Madison County Lead Site, Herculaneum Smelter Site, Big River Site, Potosi Site, Old Mines Site, Richwoods Site, Furnace Creek Site, Southwest Jefferson County Site, Viburnum Haul Roads, Viburnum St. Joe Site, Former United Zinc Site, Pittsburg Zinc Site, Oronogo-Duenweg Site, Cherokee County Site, Newton County Site, Lawrence County Site, Annapolis Lead Site, Washington County Sites, Central Missouri Mining District Sites, and Caney Kansas site.

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#### **Superfund Large Area Mine Waste Cleanup**

**Responsible Unit:** Superfund Division

**POC:** Gene Gunn

As of the end of FY2017, over 9,800 acres of land impacted by historic disposal of mine waste at large area lead sites has been consolidated and capped at 11 sites in the Tri-State Mining District in Southwest Missouri and Southeast Kansas and in the Old Lead Belt in Southeast Missouri. The Superfund cleanup efforts have addressed over 36 million cubic yards of mine waste through a combination of excavation, consolidation, capping, and sub-aqueous disposal.

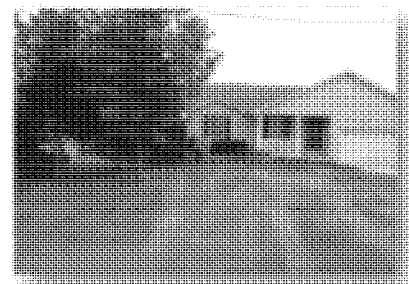
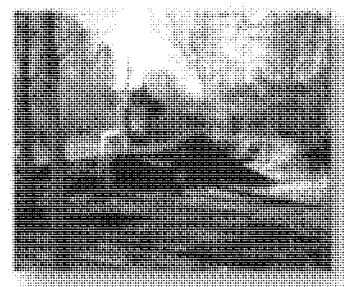
#### **For More Information:**

View the [Superfund site profile pages](#) for or contact the POC about the Superfund Electronic Management System Documents for mine waste investigative or response activities for any of the following sites: Madison County Lead Site, Big River Site, National Lead Site, Leadwood Tailings Site, Desloge Tailings Site, Elvins Tailings Site, Bonne Terre Tailings Site, Federal/St. Joe State Park Tailings Site, Oronogo-Duenweg Site, Cherokee County Site, Newton County Site, Annapolis Lead Site, and Washington County Sites.



## Cleanup Accomplishments

Action	FY2017	YTD Cumulative
Lead Contaminated Residential Soil Replaced	664 Properties 159,000 yds <sup>3</sup>	23,660 Properties 3,610,259 yds <sup>3</sup>
Mine Waste Addressed Acreage	2,600,000 yds <sup>3</sup> 300 Acres	36,156,703 yds <sup>3</sup> 9,512 Acres
Alternate Water Provided	? Residences*	3,670 Residences*
Exterior Lead-Based Paint Stabilized	1 Home*	6,250 Homes*
Interior Dust Addressed	722 Homes*	5,226 Homes*



\*FY2017 data incomplete

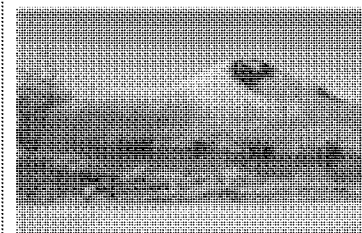


## R7 NPL Lead Sites

		#OUs	Size (sq miles)
KS	Cherokee County	9	115
	Former United Zinc & Associated Smelters	2	4.5
MO	Annapolis Lead Mine	3	0.5
	Big River Mine Tailings	3	110
	Southwest Jefferson County Mining	8	671
	Madison Mine (Anschutz Mining Corp)	7	516
	Newton County Mine Tailings	2	110
	Oronogo-Duenweg Mining Belt	5	250
	Washington County Lead District – Furnace Creek	4	533
	Washington County Lead District – Old Mines	4	90
	Washington County Lead District – Potosi	4	47
	Washington County Lead District – Richwoods	4	45
NE	Omaha Lead	2	27

13 sites

57 OUs 2519 sq mi



Equivalent to cleaning up  
the island of Manhattan  
in NYC 100 times



## CLEANUP SITES OF NOTE:

### **Omaha Lead**

**Responsible Unit:** Superfund Division

**POC:** Gene Gunn

The Omaha Lead Superfund Site (OLS), which encompasses the eastern portion of the metropolitan area in Omaha, NE, includes residential properties and other locations where children may be exposed such as child care centers, schools, and parks where the soil was contaminated with lead. The lead was attributed to deposition of 125 years of particulate matter emitted from lead smelting and refining facilities. Secondary sources of lead contamination at these sites include the operation of a lead battery recycling plant, use of leaded gasoline, and the use of lead-based paint, among others.

Since 1999, EPA Region 7 has been involved in cleaning up more than 13,000 contaminated properties which includes removal of lead contaminated soil, stabilization of lead-based paint, increasing awareness of the impacts of lead on public health in the affected areas, and taking other actions to mitigate the associated risks. In support of the Omaha Lead residential cleanup, the Region 7 laboratory analyzed over 10,000 soil samples and provided oversight for the contract analysis of an additional 15,000 soil samples.

The Office of Research and Development's Superfund Technical Support Centers were asked to evaluate the effects of the cleanup efforts by EPA Region 7 on the societal consequences in the impacted areas in terms of scholastic achievement and lower blood-lead levels in children. To support this request, ORD is utilizing existing or secondary health and socio-economic data provided by state agencies in Nebraska including the Omaha Public Schools system, the Nebraska Department of Human and Health Services, Douglas County Health Department, as well as EPA Region 7's Superfund Division.

Cleanup efforts to date have been very successful for the Omaha community. In 1998, 25% of the children tested in within the seven- zip code OLS Site had blood lead levels higher than the then 9.5 micrograms per deciliter (µg/dL) level of concern, which is above the current 5 µg/dL reference level that the CDC considers to represent an elevated blood lead level in children. In 2017, more children were tested (over 17,000) than ever before, and the percentage of children with blood lead levels higher than 9.5 µg/dL dropped significantly from 25% to <1%.

To date 1,448 residential parcels have been delisted under this process in two batches for years 2013 and 2017. The 2018 planned delisting will include 101 residential parcels. The process had been temporarily halted due to uncertainty in the preliminary remediation goals (PRGs) for residential cleanup.

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### **Doe Run Resources Corporation**

**Responsible Unit:** Office of Regional Counsel

**POC:** Dave Cozad

Doe Run is a mining company headquartered in St. Louis, Missouri. For most of its history, Missouri has been the largest lead producer in the United States. Doe Run is the successor to much of the historic lead mining in Missouri, and as a result is a responsible party for many large Superfund cleanups. Doe Run is the primary responsible party at several mining superfund sites in Southeast Missouri, including

the Big River Mine Tailings site, the Southwest Jefferson Mining site, the Madison County Mines site, the Viburnum Trend Lead Haul Roads site, and the Herculaneum Lead Smelter site. Doe Run is a contributing responsible party at other Missouri sites including the Washington County Lead District, and the Oronogo-Duenweg Mining Belt site (aka Jasper County). Doe Run is also a responsible party at the Cherokee County Site in Kansas and at sites in other Regions, including the Tar Creek (Ottawa County) site in Oklahoma (Region 6) and one site in Region 8 (Montana). The work at these various sites involves the cleanup of thousands of residential properties as well as addressing numerous large tailings piles and other areas of former mining wastes. For Region 7, Doe Run has completed most of their Superfund responsibilities with the exception of the sites in Southeast Missouri, which will require decades of work.

Mining continues today by Doe Run in an area in southeastern Missouri known as the Viburnum Trend. The Viburnum Trend encompasses mining and milling facilities operated by Doe Run in Iron and Reynolds Counties; two primary lead smelters (both are no longer operational); a secondary lead smelter; and concentrate shipping operations from the Southeastern Missouri Port Authority in Scott City on the Mississippi River. Lead regulatory work, such as Clean Air Act and RCRA compliance, continues at Doe Run facilities still in operation.

## **CLEANUP PILOTS:**

### **Superfund Watershed Restoration Pilot Projects on Big River in the SEMO Mining District**

**Responsible Unit:** Superfund Division

**POC:** Gene Gunn

Historic lead and zinc mining took place in the Old Lead Belt which covers a four-county area in southeastern Missouri. The first recorded mining occurred in the Old Lead Belt in about 1721 and mining continued until 1972. Mining and milling of ore produced about 250 million tons of waste in the Old Lead Belt. Much of the waste has been removed and used for sundry purposes over the years. Today, approximately 60 million tons of mine waste remain in the Old Lead Belt. These mining activities have also released large amounts of lead contaminated mine waste to the local streams and rivers. As a result, over 100 miles of Big River watershed sediments, stream banks, and floodplains are contaminated with lead and other metals.

The removal of the contamination in the Big River and its tributaries and floodplains would be very costly and would result in the destruction of much of the remaining value of the resource. Therefore, Region 7 is implementing a range of direct and passive technologies to addresses the contamination in an iterative approach that will result, over time, in a cleanup that is both protective of human health and the environment and maintains the remaining valuable resource features in the watershed. Significant cost savings will also be realized as a result of this approach.

The five treatability studies underway will aid in the finalization of the remedial investigation and the development of the feasibility study for Operable Unit (OU) 4 of the SW Jefferson Co Mine Site, OU4 of the Washington Co Site and OU2 of the Big River Site. Other activities will include a requirement to present the findings and participate in technical discussions with members of the public, other agencies, and potentially responsible parties (PRPs) to secure additional work and private landowner participation.

1. Newbury Riffle: This structure at the confluence of Big River and Flat River Creek in St. Francois County is fully constructed and includes in-stream grade control and in-stream and side channel overbank sediment traps with a combined capacity of approximately 6,000 cubic yards. Portage

for river float activities is also included. The Riffle structure is undergoing the first round of trapped sediment removal.

2. Mineral Fork Bank Stabilization: This study is addressing highly erodible contaminated banks along a tributary to Big River within the Washington County Lead Site using a low-profile stone toe structure. The contamination is contained and the structure has survived flood events.
3. Mammoth Road High Flow Structure: This structure is along Big River within the SW Jefferson County Site. It is a fully constructed side channel overbank contaminated sediment trap using historic river meander. The structure captured migrating contaminated sediments during recent flooding events.
4. Rockford Beach Dam Stabilization: A historic mill dam along Big River at the SW Jefferson County Lead Site has been stabilized preventing the release of historic lead contaminated sediments to immediately downstream mussel beds. A permanent restructure is in design.
5. Owl Creek Dam Stabilization and Low-Water Crossing Sediment Trap: Plans are in place to partially remove and stabilize a dam constructed along Big River in St. Francois County using lead contaminated mine waste and use a low water crossing immediately downstream as a sediment trapping and removal site. The Missouri Department of Natural Resources, as lead, is working with landowners for the Owl Creek work and the cleanout of the low-water crossing sediment trap will be part of future negotiations with PRPs. In addition, a county park adjacent to Owl Creek and the low-water crossing is planned for future development by St. Francois County.

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## **Redevelopment Navigation Pilot Projects in Southeastern Kansas and St. Francis County, Missouri**

**Responsible Unit:** Superfund Division

**POC:** Tonya Howell or Dave Doyle

Redevelopment Navigation Team Pilot Projects are being developed in Region 7 mining country. Pilot projects are going to be exploring redevelopment opportunities in the Kansas communities of Iola and Caney and in the Missouri communities of Park Hills, Bonne Terre, Leadwood, and Desloge. All of these communities have been heavily impacted by historic mining, ore processing or smelting activities and are included in Superfund sites undergoing investigation and removal or remedial cleanup actions.

Region 7 is currently working with Skeo, the headquarters reuse contractor, to finalize the scope of work to be performed. This pilot study will include going into the above communities and meeting with city leaders about their community-wide future redevelopment plans, and then overlaying those plans with Superfund cleanup actions that have been conducted, are being conducted, or are planned. That will allow other lead-impacted parcels (such as commercial properties and vacant lots) to be identified and evaluated for possible cleanup actions through either Brownfields or state cleanup programs. The goal of this pilot study is to help smaller communities that don't have the resources know how to address contaminated properties that fall within large-scale Superfund sites (like many of our lead sites), or know who to contact for assistance.

## **➤ CLEAN AIR ACT (CAA):**

### **Compliance with Regulations and Permits at Lead Air Emission Sources**

**Responsible Unit:** Air and Waste Management Division

**POC:** Lisa Hanlon (APCO) or Stephanie Doolan (APDB)

**Overview:**

Section 107 of the Clean Air Act establishes lead as one of the six Criteria Pollutants, however, lead is the only Criteria Pollutant that is also a Hazardous Air Pollutant under Section 111 of the Act. Thus, lead has a National Ambient Air Quality Standard (NAAQS) and lead-emitting facilities are also regulated under process specific National Emissions Standards for Hazardous Air Pollutants (NESHAPs) for primary and secondary lead smelters and battery manufacturing facilities.

EPA developed the Community Air Protection Strategy (CAPS) to verify compliance with both the NAAQS and NESHAP requirements for lead due to its known public health threat, especially to children. CAPS is a regional enforcement initiative and targeting strategy in which six of the ten regional offices are participating to protect public health by identifying and quickly remediating single source-oriented CAA regulatory compliance issues in areas where the public is exposed to air pollution levels exceeding the NAAQS. It focuses enforcement resources on areas with known and unknown monitored, modeled, or designated exceedances of the NAAQS. CAPS Increases coordination between enforcement, permitting, and State Implementation Plan (SIP) staff to ensure accurate emissions are utilized for SIPs.

**Region 7 Actions:**

The Air Waste and Management Division's Air Planning and Development Branch (APDB) ensures attainment of the NAAQS and the Air Permitting and Compliance Branch (APCO) oversees state permitting of lead-emitting facilities and ensures compliance with the NESHAPs. All four Region 7 states have the primary responsibility under the CAA for air monitoring, working with facilities to develop the plan to comply with the NAAQS, and permitting of lead sources. Region 7 Environmental Sciences and Technology Division staff provide on-going technical support, audit support, and expertise to our states as they deploy and field 24 lead monitors designed to evaluate human exposure and compliance with the NAAQS. The data collected from these sites are used to make regulatory decisions designed to improve public health in these areas.

In Region 7, the Air Program has initially targeted two lead-emitting facilities for CAPS inspections, Doe Run's Buick Resource and Recycling Facility and Exide's Salina battery manufacturing facility. It is envisioned that CAPS will be extended to verify compliance at other lead-emitting facilities in the region. CAPS in Region 7 has been implemented with technical assistance from Region 5. An inspector with experience inspecting Region 5 lead-emitting facilities has supported our Region 7 efforts, assisting with the inspections and the development of enforcement referrals, and providing follow up technical assistance. The added benefit of the regional coordination on the CAPS is consistency in EPA's regulation of lead facilities; 12 of the areas in violation of the 2008 Lead NAAQS are located in Regions 5 and 7.

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**Lead National Ambient Air Quality Standard Compliance**

**Responsible Unit:** Air and Waste Management Division

**POC:** Stephanie Doolan

**Overview:**

In 2008, EPA revised the Lead (Pb) NAAQS, lowering it from 1.5 µg/m<sup>3</sup> to 0.15 µg/m<sup>3</sup>. States reviewed lead emissions and identified facilities that required ambient air monitoring to determine compliance with the 2008 Pb NAAQS.



**Region 7 Actions:**

Based on monitoring, five areas with one or two lead sources violated the NAAQS. Region 7 is working with the state environmental agencies to bring these areas back into NAAQS compliance. The following is a brief listing and status of these facilities.

Facilities Currently Attaining the Lead NAAQS:

Council Bluffs, Pottawattamie County, Iowa: The nonattainment area includes two facilities, Griffin Pipe Products that manufactured iron water line and Alter Scrap that supplied scrap metal to Griffin. The area began to monitor NAAQS attainment in 2012 and has met the required number of quarters of attaining data to be redesignated to attainment. Region 7 is currently processing the redesignation and maintenance plan.

Exide Technologies, Canon Hollow, Missouri: Exide Technologies owns and operates a secondary Pb smelter subject to the NESHAP in rural northeastern Missouri. The facility recycles batteries and other Pb containing materials for reuse at other facilities, including its Salina battery manufacturing facility described above. The air monitoring data from this area were not available in time for the second round of Pb designations, although the facility was found to be violating the 2008 Pb NAAQS in 2011. The state, EPA and Exide worked together cooperatively to implement emission controls and work practice standards to bring the facility into compliance with the NAAQS and NESHAP as early as possible. The facility began monitoring compliance with the standard in 2014 and has attained the NAAQS. Because the area was not designated as nonattainment, the state and facility entered into a Consent Judgment to formalize the compliance measures which is federally approved as a "SIP strengthening" revision.

Facilities Currently Not Attaining the Lead NAAQS:

Jefferson County, Missouri: The Herculaneum facility was a primary lead smelter owned and operated by the Doe Run Company. Under a multi-media Consent Decree, the facility ceased its smelting operations and began monitoring attainment of the NAAQS in 2014. Recently, the facility violated the NAAQS due to on-site demolition activities. Provided there are no new violations, the area is expected to attain the 2008 Pb NAAQS in January 2021.

Iron, Dent, and Reynolds Counties, Missouri: The Buick Resource Recycling Facility, a secondary Pb smelting facility, and two adjacent mining and milling operations are the sources of the Pb NAAQS violations in this area of southeastern Missouri. After monitoring attainment of the NAAQS for approximately two years, the facility violated the standard in 2016 during upset conditions. Inspections concluded the facility is in violation of the Secondary Pb Smelting NESHAP. Missouri has taken the lead in the enforcement action that is expected to result in compliance with the NAAQS and NESHAP. The facility is expected to attain the NAAQS in 2019.

Salina, Saline County, Kansas: The Exide Technologies facility in Salina, Kansas, contributes the majority of the Pb emissions reported at the compliance air monitor and an adjacent facility, Metlcast, is a minor contributor. Exide Technologies' Salina facility is a manufacturer of auto and marine batteries. The area began monitoring attainment of the standard in 2013, but violated the NAAQS in September of 2016. The state has worked with the facility to install additional emission controls and upgrade work practice standards which have dramatically lowered the Pb results at the compliance monitor. The facility is expected to attain the NAAQS in 2020.

**For More Information:**

All of the federal register notices and other information pertaining to these facilities may be found at: <https://www.epa.gov/green-book/green-book-lead-2008-area-information> with the exception of Exide Canon Hollow which may be found [here](#).

**➤ RESOURCE CONSERVATION AND RECOVERY ACT (RCRA):****Compliance with RCRA Regulations Including Cleanup of Lead Contaminated Sites**

**Responsible Units:** Air and Waste Management Division

**POC:** Don Lininger (WRAP) or Mary Goetz (WEMM)

**Overview:**

Lead is regulated as a hazardous waste under Subtitle C of the Resource Conservation and Recovery Act. Subtitle C ensures that hazardous waste is managed safely from the moment it is generated to its final disposal. These regulations set criteria for hazardous waste generators, transporters, and treatment, storage, and disposal facilities. This includes permitting requirements, enforcement, and corrective action or cleanup.

RCRA Subtitle D includes landfill restrictions that limit the disposal of lead. In Region 7, the Subtitle D-Solid Wastes program is delegated to state agencies in all four states.

**Region 7 Actions:**

EPA may authorize states to implement RCRA Subtitle C. In Region 7, three states have been delegated the hazardous waste program: Kansas, Missouri, and Nebraska. The Air and Waste Management Division's Waste Enforcement and Materials Management (WEMM) Branch conducts oversight activities, completes program reviews, provides technical support, and works collaboratively with the states, upon request, in the states where the program is delegated.

Iowa is one of two states in the nation (the other being Alaska) where a state program does not exist and EPA directly implements the hazardous waste requirements. In Iowa, WEMM conducts all program implementation activities at transport, storage, and disposal facilities. This includes identification, registration, data tracking, inspections (>100/year), responding to citizen complaints, and site visits to conduct compliance assistance and training.

In a recent example, a single individual speculatively accumulated leaded glass at four illegal storage locations in Iowa and two in Nebraska. WEMM estimated that a total of 16 million pounds of leaded glass is being illegally stored at the six locations. The Region 7 laboratory analyzed samples and provided data that supported taking the needed actions. Region 7 proceeded with an administrative order at the sites, and prioritized the sites for clean-up. As a result, WEMM will be conducting compliance assistance visits to similar sites (electronic recyclers) in Nebraska in 2018 to better understand the extent of this problem.

The Air and Waste Management Division's Waste Remediation and Permitting Branch (WRAP) oversees the investigation and remediation of RCRA facilities subject to the Corrective Action Requirements. Region 7 has four corrective action facilities that are in the Long-Term Stewardship

phase, and three that are in the Investigation/Remedy Selection phase in which lead is the primary constituent of concern.

#### Facilities Currently in Long-Term Stewardship Phase:

Nucor Steel, Norfolk, NE: This is an operating facility that produces steel products from recycled scrap metal. An Environmental Covenant has been developed that includes Activity and Use Limitations for a sub-area of the facility near the former Corrective Action Management Unit that prohibits disturbance of existing monitoring wells, water well drilling, and use of groundwater.

Curtis Metals, Curtis, NE: This site historically operated as a battery recycling facility. A total of 38,180 tons of contaminated material was removed from the site and disposed in an approved landfill. Activity and Use Limitations are in place that restrict the property from being used for residential purposes.

AY McDonald, Dubuque, IA: This site historically operated as a foundry, with waste material being disposed of on-site. An Environmental Covenant is in place that requires that the waste material remain capped. A local utility company has developed and installed a solar panel farm on the capped area.

Blackhawk Foundry, Davenport, IA: This site historically operated as a foundry. An Environmental Covenant is in place that will not allow the property to be used for residential purposes, maintain caps over contaminated areas, and prohibits installation of residential water supply wells.

#### Facilities Currently in Investigation/Remedy Selection Phase:

Former RV Hopkins, Davenport, IA: This site historically operated as a drum reconditioning facility. Investigations have identified areas with elevated lead that require capping. Activity and Use Limitations will be put into place that restrict residential use of the property and require maintaining the capped areas.

BNSF, West Burlington, IA: This facility is currently inactive, but was historically used to repair locomotives. The investigation activities have been completed and the responsible party is developing a remedy proposal to address soil and groundwater contamination.

AK Steel, Kansas City, MO: The facility historically operated as a steel mill and investigation activities have been completed. Interim measures have been completed at some areas of the property, and a proposed site-wide remedy is in development.

WRAP is currently overseeing the Remedial Action Plan for the remediation of contaminated properties as part of the Doe Run facility. The Missouri Department of Natural Resources will be renewing this RAP in the near future, and will assume lead agency role. See [Doe Run entry](#) below for more information about this facility.

### **SAFE DRINKING WATER ACT (SDWA):**

#### **Lead and Copper Rule Implementation**

**Responsible Unit:** Water, Wetlands, and Pesticide Division

**POC:** Doug Brune (Kansas & Tribal Direct Implementation), Ken Deason (Nebraska), Neftali Hernandez-Santiago (Missouri), Gabrielle Thompson (Iowa & Tribal Direct Implementation), or Jay Hua (Data Management)

**Overview:**

Lead and copper enter drinking water primarily through plumbing materials. Exposure to lead and copper may cause health problems ranging from stomach distress to brain damage. In 1991, EPA published the Lead and Copper Rule (LCR) to control lead and copper in drinking water. The treatment technique for the rule requires systems to monitor drinking water at customer taps. If lead concentrations exceed an action level of 15 ppb or copper concentrations exceed an action level of 1.3 ppm in more than 10% of customer taps sampled, the system must undertake a number of additional actions to control corrosion.

The SDWA's Public Water System Supervision program emphasizes proper LCR sampling, calculating compliance, communicating, public education, and other public information requirements for community water systems, non-transient non-community systems, and simultaneous compliance with other SDWA standards. States that have been delegated primacy for the PWSS program are eligible to receive grant funding from EPA to implement a PWSS program adequate to enforce the requirements of the SDWA and ensure that water systems comply with the National Primary Drinking Water Regulations.

**Region 7 Actions:**

All four Region 7 states have primacy and implement the LCR requirements. Region 7's Drinking Water Management Branch provides oversight by looking at the lead action level exceedances in each state every quarter, discussing the exceedances with the state agency, and ensuring the state is taking appropriate action.

DRWM conducts direct implementation of the LCR at all public water systems on tribal lands in Region 7. Eight Region 7 tribes (all except Prairie Band Potawatomie Nation) have a public water system. Direct implementation involves ensuring sampling plans are up to date, evaluating sample results, and making sure water systems are taking appropriate actions if there are action level exceedances.

**For More Information:**

<https://www.epa.gov/dwreginfo/lead-and-copper-rule>

<https://www.epa.gov/dwreginfo/lead-and-copper-rule-compliance-help-public-water-systems>

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**National Implementation Workgroup to Assist Understanding of the Current Lead and Copper Rule**

**Responsible Unit:** Water, Wetlands, and Pesticide Division

**POC:** Gabrielle Thompson or Ken Deason

Region 7 participates in this national workgroup. Activities and topics of focus aim to provide clarifying guidance to states and the regulated community. Items include drinking water requirements for states and public water systems, Lead and Copper Rule compliance help for primacy agencies, and the Water Infrastructure Improvements for the Nation (WIIN) Act.

**For More Information:**

- For PWS: <https://www.epa.gov/dwreginfo/lead-and-copper-rule-compliance-help-public-water-systems>
  - For States: <https://www.epa.gov/dwreginfo/lead-and-copper-rule-compliance-help-primacy-agencies>
  - For WIIN Act: <https://www.epa.gov/dwreginfo/strategic-plan-targeted-outreach-populations-affected-lead>
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## **National Workgroup to Develop Updated Lead and Copper Rule**

**Responsible Unit:** Water, Wetlands, and Pesticide Division

**POC:** Mary Mindrup or Ken Deason

### **Overview:**

EPA is considering revisions to the LCR to strengthen its public health protections and clarify its implementation requirements. EPA is consulting with state and local government officials during the development of the proposed revisions to the LCR.

The Lead and Copper Rule Revisions White Paper (2016) provides examples of regulatory options to improve the existing rule. The paper highlights key challenges, opportunities, and analytical issues presented by these options. Options include lead service line replacement, improving optimal corrosion control treatment requirements, consideration of a health-based benchmark, the potential role of point-of-use filters, clarifications or strengthening of tap sampling requirements, increased transparency, and public education requirements

### **Region 7 Actions:**

Region 7 participates as a Tier 1 rule member on the National Regulatory Workgroup working on revisions to the rule.

### **For More Information:**

<https://www.epa.gov/dwstandardsregulations/lead-and-copper-rule-long-term-revisions>

## **➤ TOXIC SUBSTANCES CONTROL ACT (TSCA):**

### **Lead-Based Paint Abatement Program and Renovation, Repair, and Painting Rule**

#### **Implementation**

**Responsible Unit:** Water, Wetlands, and Pesticide Division

**POC:** Jamie Green or Crystal McIntyre

### **Overview:**

The Renovation, Repair, and Painting Rule (RRP) requires those disturbing regulated thresholds of painted surfaces in target housing or child occupied facilities to meet various requirements to minimize the risk that children may be exposed to lead dust resulting from these activities. The primary responsibilities include:

- Firm Certification- All firms conducting renovation, repair, or painting activities in target housing or child occupied facilities must be certified.

- Renovator Certification- Each job site where regulated activity is occurring must have a certified renovator who is trained on lead safe work practices oversee the work and assure it is done in compliance with the RRP.
- Work Practices- All regulated work must be conducted using lead safe work practices.
- Records- Firms must document and retain records of each renovation. Records would document the use of lead safe work practices and identify the certified renovator responsible for overseeing the work and clean-up.

#### **Region 7 Actions:**

EPA provides funding to support lead-based paint abatement programs in Kansas, Missouri, Nebraska, and Iowa and provides funding to support implementation of the RRP in Iowa and Kansas. These funds support state efforts to provide compliance assistance to the regulated community; track and certify various lead professionals; and, conduct inspections and enforcement related activities. Our state partners frequently work with us by referring tips and complaints or other issues where EPA has direct implementation authority and have also participated in joint outreach/compliance assistance efforts.

Missouri and Nebraska have declined to seek delegation of the RRP and EPA Region 7 is responsible for implementation in these states and in Indian Country.

Region 7 conducts approximately 60 to 70 inspections a year to evaluate compliance with RRP. Given the size of the regulated universe and available resources, the Region has attempted to include a geographic based focus on a particular community during each of the last three years as a component of our overall program approach. The geographic focus dedicates a larger amount of resources to a specific community to promote public awareness, conduct compliance assistance and, to conduct inspections and enforcement. The larger presence is intended to garner greater attention within a given community to achieve greater compliance than might be achieved otherwise.

To date, the Water, Wetlands, and Pesticides Division's Toxics and Pesticides Branch has carried out geographic initiatives in St Louis and Kansas City, Missouri. During FY18 TOPE hopes to continue its focus on Kansas City and to expand the effort to St Joseph Missouri. Pending budget decisions, we anticipate the St Joseph effort will include collaborative efforts with OPPTS similar to those conducted in Kansas City. This would include various press releases, compliance assistance events, and provision of several renovator training courses. Region 7's Office of Public Affairs is currently working to secure the assistance of health care professionals to help develop videos targeting parents, day care providers and health care providers for use in this and future geographic focused efforts. TOPE also continues to reach out to other local and federal agencies to discuss opportunities to collaborate and leverage resources for this work.

Region 7 conducts compliance assistance to various groups that may fall within the regulation. The Region has utilized press releases and social media to promote awareness of the regulation. Given the size and scope of the regulated community, the Region has attempted to leverage our messaging through local building officials. The Region also includes discussion of RRP in various outreach events to help inform the public of the requirements to aid in driving demand for compliance through the consumer.

**For More Information:**

<https://www.epa.gov/lead/evaluating-and-eliminating-lead-based-paint-hazards>

<https://www.epa.gov/lead/renovation-repair-and-painting-program>

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**Lead Disclosure Rule Implementation**

**Responsible Unit:** Water, Wetlands, and Pesticide Division

**POC:** Jamie Green or Crystal McIntyre

**Overview:**

Implementation of these requirements may not be delegated to the states and, as such, Region 7 maintains primary enforcement responsibilities in Iowa, Kansas, Nebraska, and Missouri and Indian Country.

TSCA Section 1018 requires the sellers or lessors of pre-1978 housing to provide the lead hazard information pamphlet and to disclose the presence of any known lead-based paint or lead-based paint hazards to purchasers or lessees prior to their being obligated under contract or lease.

**Region 7 Actions:**

Region 7 conducts compliance assistance to various real estate and other groups representing sellers or lessors of residential properties. Events can include joint presentations with state programs or other federal entities.

Prior to implementation of the RRP Rule, the program conducted approximately 100 TSCA Section 1018 inspections annually. It was not uncommon for formal cases resulting from these inspections to include supplemental environmental projects (SEP) that resulted in the replacement of windows or other improvements to residential properties owned by the respondent as a means of reducing lead hazards. Those respondents choosing to utilize a SEP generally found them to be a means of reducing their actual penalty amount while also realizing some increased property value from the SEP project.

Following implementation of the RRP Rule, resources have been shifted away from the disclosure rule and Region 7 currently conducts approximately ten of these inspections annually. The Region continues to include compliance assistance information on the disclosure rule in presentations, as many in the groups we interact with could be subject to both.

**For More Information:**

<https://www.epa.gov/lead/real-estate-disclosure>

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**Lead Disclosure and Renovation, Repair, and Painting Rule Outreach Events**

**Responsible Unit:** Water, Wetlands, and Pesticide Division

**POC:** Crystal McIntyre (WWPD)

**Overview:**

Region 7's lead program undertakes some number of general outreach events intended to improve awareness within the communities we serve about the sources and impacts of lead on children's health.

These events are intended to help increase consumer demand for compliance with both the disclosure and Renovation, Repair, and Painting rules for regulated entities.

**Region 7 Actions:**

Examples of events include participation in head start programs' lead screening events, health fairs, home shows and other community events. Program staff have also conducted presentations, sent direct mailings, and created press releases targeting day care providers, health care professionals, school administrators and nurses, and parents. Events often include other state and federal partners. Staff participate in various workgroups and/or committees to share ideas and coordinate activities.

## SCIENTIFIC SUPPORT

*Monitoring, Risk Assessment, Sample Analysis, Workgroups*

### **Ambient Air Monitoring Studies**

**Responsible Unit:** Environmental Sciences and Technology Division

**POC:** Mike Davis

The Environmental Sciences and Technology Division's Monitoring and Environmental Sampling Branch has performed ambient air monitoring studies in the vicinity of a number of lead related facilities including:

- Doe Run; Herculaneum, MO
- ASARCO; Glover, MO
- Exide Technologies (former Schuykill Metals); Canon Hollow, MO

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### **Risk Assessment**

**Responsible Unit:** Environmental Sciences and Technology Division

**POC:** Mike Beringer

The human health and ecological risk assessors provide technical support on lead-contaminated sites in Region 7. These technical staff evaluate risk assessments to ensure they are conducted in accordance with EPA policy and guidance. The risk assessments are used to determine whether action is necessary to mitigate potential risks to public health and/or ecological receptors. The risk assessors also derive cleanup levels in lead-contaminated environmental media (e.g., soil, sediment, water, etc.).

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### **Lead Bioaccessibility Sample Analysis**

**Responsible Unit:** Environmental Sciences and Technology Division

**POC:** Tabitha Adkins or Margie St. Germain

EPA Region 7 Science and Technology Center (laboratory) is one of three regional laboratories capable of performing the Relative Bioaccessibility Leaching Procedure on lead contaminated soil samples. This procedure mimics stomach acid if lead contaminated soil were ingested. Soil is dried, sieved to less than 250 um, tumbled in acidified water, and analyzed for lead. The results are used to help develop risk data for Superfund sites. This method is now required to be performed on all Superfund sites with lead



contamination. Currently, Region 7 analyzes about 250 samples a year for the Superfund efforts. This method is not commercially available.

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### **Office of Superfund Remediation and Technology Innovation's Lead Committee Co-Chair**

**Responsible Unit:** Environmental Sciences and Technology Division

**POC:** Mike Beringer

For the last several years, Todd Phillips (Regional Toxicologist), has been a co-chair of the Office of Superfund Remediation and Technology Innovation's Lead Committee. The Committee is comprised of scientists from EPA Regions, EPA's Office of Land and Emergency Management, the Office of Research and Development, and the Agency for Toxic Substances and Disease Registry who are responsible for developing national guidance and ensuring scientifically sound and consistent approaches to lead risk assessment. Senior OLEM management often rely on Lead Committee input to help shape program policies.

#### **For More Information:**

<https://www.epa.gov/superfund/lead-superfund-sites-technical-assistance>

## **OUTREACH AND EDUCATION**

*Coalitions, Toolkits, Coordination, Grants*

### **Lead Poisoning Prevention Community Initiative**

**Responsible Unit:** Enforcement Coordination Office

**POC:** Althea Moses

Started in 2008, the Lead Poisoning Prevention Community Initiative is the result of a joint partnership between EPA Region 7's Lead and Environmental Justice programs and the Kansas City Missouri Health Department. This project was developed as a demonstration pilot to develop and model approaches that might lead to best practices. Materials and approaches were developed and documented in a manner that they might be duplicated in other communities.

#### **Background:**

- Currently about 80 percent of the houses in Kansas City could still contain lead based paint. Because of this, the State of Missouri considers Kansas City an area where children are at high-risk for lead poisoning and recommends all children between the ages of six months and six years be tested for lead poisoning once a year.
- As lead poisoning disproportionately affects low income and minority children, prevention of lead poisoning in young children has been identified as a national environmental justice priority.
- The Kansas City Health Department has identified lead as a focus priority under their Neighborhood Improvement Program designed to improve the quality of life of citizens of Kansas City, Missouri.

The purpose of the Kansas City Lead Poisoning Prevention Community Initiative (LPPCI) is to ensure parents, child care providers, and community members know the dangers of lead poisoning and the negative effects it has on children's learning abilities and their bodies by providing them with the

knowledge to protect their child and others from this toxin. In addition, this project aimed to increase the number of children screened for lead poisoning, direct children and their families identified with elevated blood lead levels to the appropriate resources and increase participation in safe practices to remove lead hazards, and decrease the number of EBL children.

The components of the project included:

- Train the Trainer certification for community members,
- Lead awareness activities at pre-schools and daycares
- Lead awareness presentations to parents and care-givers,
- Lead outreach to families (included screenings) during the summer and school events,
- Direct mailings to households in high priority zip codes, and
- Media campaign consisting of bus signs and billboards in the Kansas City Metro area.

Through this project some 15,000 Kansas City residents were reached with lead poisoning prevention information. The Kansas City Health Department reported an increase in lead screening and increased participation in the lead remediation program.

EPA Region 7 continues to partner with the Kansas City Health Department as a primary partner in efforts to reduce lead poisoning in young children. The lessons learned from this project have served as a model to inform community outreach and education regarding lead and many other concerns throughout Region 7.

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## **Outreach and Education**

**Responsible Unit:** Office of Public Affairs

**POC:** Emily Albano (OPA)

Lead is incorporated into the curricula for Healthy Schools and Children's Health outreach. OPA frequently attends community events and health fairs to provide information about lead poisoning prevention. OPA also provides support and partners with the regional lead program in service to outreach. For example, in 2016, as part of a public outreach and education initiative, OPA sent letters and information to day care providers, schools, and health care providers in Kansas City, Missouri and Omaha, Nebraska.

### **For More Information:**

[Daycare and Classroom Outreach Materials](#)

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## **Healthy Schools Toolkit**

**Responsible Unit:** Office of Public Affairs

**POC:** Emily Albano

In 2013, the Region 7 Healthy School Coordinator created a central database for outreach materials that would be helpful for school districts or parents looking to improve their school's environment. The finalized Healthy School Toolkit contains a vast amount of background and intervention information on more than 15 environmental health topics, including lead.

The Healthy Schools Toolkit is an “evergreen” resource that will be updated yearly with new brochures, studies and regulations. Over 2,100 school superintendents have been notified of the resource, as well as school nurses, school plant managers, the Asthma Coalition, Pediatric Environmental Health Specialty Unit (PEHSU) partners, and associations in the Region 7 area.

**For More Information:**

[EPA Healthy Schools Website](#)

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**Environmental Justice Small Grants**

**Responsible Unit:** Enforcement Coordination Office

**POC:** Tamara Freeman or Althea Moses

A significant percentage of EJ Small grants in Region 7 have focused on addressing lead in low income and minority communities. Low income and minority children are disproportionately affected by lead poisoning. EJ Small grants recipients have:

- Developed lead curricula for people of all ages,
- Trained community organizations, parents, care-givers, and even children to identify lead hazards and taught best practices to prevent lead poisoning
- Developed awareness materials
- Hosted lead awareness and screening events

EJ Small grants have provided resources to local governments, particularly county health departments to support educating families and instructing parents and caregivers on approaches to prevent and reduce lead exposure.

Grant recipients also include community based non-profit organizations many of whom provide vital support and assistance to low income residents. These organizations have become educated regarding the hazards of lead and have integrated teaching lead awareness and lead prevention into their programming, towards the goal of reducing lead poisoning in your children.

Strong partnerships with colleges and universities focused on addressing lead contamination and lead poisoning in young children have developed as well. Historical partners include: St. Louis University, Ozark Mountain Center for Environmental Education, and Junior College District of the Mineral Area.

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**Environmental Education Grants**

**Responsible Unit:** Office of Public Affairs

**POC:** Emily Albano

OPA manages the Environmental Education Grant program. Every year approximately \$300,000 is awarded to projects which advance environmental education. These grants cover a wide range of environmental priorities. Nine projects that included education about the hazards of lead have been awarded since 1997. A full list of those projects, including the awardee, year awarded, funding received, and scope of the project, is available upon request.

**For More Information:**

[The Environmental Education Grant Webpage](#)

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**[PENDING] Pediatric Environmental Health Specialty Unit Project**

**Responsible Unit:** Office of Public Affairs

**POC:** Emily Albano

**Overview:**

Supported by a collaboration between ATSDR and EPA, Pediatric Environmental Health Specialty Units (PEHSUs) are a network of medical professionals which respond to requests for information throughout North America and offer advice on prevention, diagnosis, management, and treatment of environmentally-related health effects in children. Each PEHSU is academically based, typically at university medical centers, and are located across the United States and Canada. Additionally, through an Interagency Agreement with CDC/ATSDR, each EPA region is able to put money on the PEHSU contract to fund projects of particular interest to that region.

**Region 7 Action:**

For our 2018 project, OPA is working with the R7 Lead Program and our regional PEHSU, located at Children's Mercy Hospital, to fund an approximately \$25,000 project to conduct a lead awareness campaign in St. Joseph, Missouri. The planned campaign will target parents, schools and daycare providers, as well as pediatricians. Children's Mercy will develop posters for a mailing campaign and create two informational videos – one for parents and care providers and a clinical best practices video for health care professionals. These products will be flexible, evergreen products which can be incorporated in outreach across the region.

Note: this project is still in the planning phase and may be subject to change.

**For More Information:**

[The PEHSU Website](#)

Message

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**From:** Fonseca, Silvina [Fonseca.Silvina@epa.gov]  
**Sent:** 3/9/2018 3:25:04 AM  
**To:** Kelly, Albert [kelly.albert@epa.gov]; Chancellor, Erin [chancellor.erin@epa.gov]  
**Subject:** NPL Sites not CC  
**Attachments:** Sites not CC 3.8.18 Kell.pdf

Hi Kell and Erin,

Attached you will find a list of those NPL Sites that have not achieved construction completion (CC). This list includes private and federal facility sites, and does not include SAA sites. There are **545** sites that have not achieved CC and includes deleted sites (need to dig deeper on this one). The largest number of sites not CC is in Region 2 (not to single them out). I can also sort the data in many ways but let me know what specific filters/slicing you would like to see. I have sorted the data by Region and within each Region by the year the sites were listed final on the NPL. I will not be in the DC office tomorrow, but I can be reached by email or phone if you have any questions.

*Silvina Fonseca  
Special Assistant  
Office of the Administrator  
U.S. Environmental Protection Agency  
Desk: 202.564.1955  
Cell: 202.306.6844*

Message

---

**From:** Woolford, James [Woolford.James@epa.gov]  
**Sent:** 8/15/2017 3:09:16 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**CC:** Mackey, Cyndy [Mackey.Cyndy@epa.gov]  
**Subject:** RE: San Jacinto Background Materials

When you get back in, I would like to set up having a an hour long weekly or biweekly conf call or face-to-face with Cyndy and me, since many of our topics overlap. Check-in on topics, what you are hearing from Regions, task-force, etc.

I am out on annual leave 8/21-9/4. So would like to pick this up after Labor Day.

Hope your trips go well.

Couple quick observations.

On East Chicago – we are working with R 5 on remedy alternatives for zone 1 - They will want to come in to DC in a few weeks to discuss with you and others. Bob Kaplan, Barry and I had a call about this today.

Bunker Hill – Couer d'Alene is a major challenge and a great success story. It is one of those sites listed in 1983 that is and will take decades to complete because of its size and complexity and cost. Our last Interim ROD had an estimated cost over \$500 M and did not address to full extent of contamination in what is called the upper basin. The redevelopment/re-vegetation work is a great story, but more impressive is the reduction in blood lead levels in the impacted communities that comprise Silver Valley.

Jim Woolford, Director  
Office of Superfund Remediation and Technology Innovation  
Office of Land and Emergency Management  
US Environmental Protection Agency  
1200 Penn. Ave., NW  
Washington, DC 20460  
(Mail Code 5201-P)

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Phone: (703) 603 8960– Main Office Line

Physically located at:

Room 5622  
One Potomac Yard (South)  
2777 S. Crystal Dr.  
Arlington, VA 22202



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**From:** Kelly, Albert  
**Sent:** Thursday, August 10, 2017 12:25 PM  
**To:** Woolford, James <Woolford.James@epa.gov>  
**Cc:** Breen, Barry <Breen.Barry@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>  
**Subject:** RE: San Jacinto Background Materials

Thanks Jim. I appreciate your thoughtfulness. I didn't think my tour was too important. I was really just getting some familiarity with the site and to try to be responsive. Just to be sure that you don't have to hear from the Regions where I might be wandering, I will give you any scheduled locations that I might be invited to or planning to visit. After Houston, I am going to the Tribal event in Tulsa and am going to tour the Tar Creek site. I am trying to travel to Des Moines after that to see the Dico site and then on Thursday to go with Region 10 to the Coeur D'Lane site. Then I am going back to East Chicago on the 19<sup>th</sup> for their monthly meeting.

If there is anything I need to know in advance of these visits, please let me know. Also, voice any concerns that you have that I need to know as well. I value your advice. Thank you.

Albert Kelly  
Senior Advisor to the Administrator  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
202 306 8830

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**From:** Woolford, James  
**Sent:** Thursday, August 10, 2017 11:42 AM  
**To:** Kelly, Albert <kelly.albert@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>  
**Cc:** Edlund, Carl <Edlund.Carl@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Poore, Christine <Poore.Christine@epa.gov>; Phillips, Pam <phillips.pam@epa.gov>  
**Subject:** FW: San Jacinto Background Materials

Kell, we heard from Region 6 that you will be visiting the San Jacinto site near Houston Friday. Following the NRRB review, OSRTI has been working closely with Region 6 on this remedy. The PRPs came and did a presentation to me and my staff last December. We've been working collectively through issues raised by the PRPs and others over the past 8 months.

I asked my staff to prepare some materials for your visit. They are attached:

1. Power point with schedule as of July 24 (also part of the 6 page summary)
2. S/WP Proposed plan pdf – diagrams, pictures of site over time
3. State comment – pdf – we found comments from Texas to be an objective view of the site/challenges
4. A 6-7 page summary with a bit of the history & background on the site, main issues, NRRB comments, OSRTI/regional interactions, etc.
5. An attachment that lays out in some detail the issues at hand from the 2 main alternatives.

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**From:** Gartner, Lois  
**Sent:** Thursday, August 10, 2017 9:47 AM  
**To:** Woolford, James <[Woolford.James@epa.gov](mailto:Woolford.James@epa.gov)>  
**Cc:** Crossland, Ronnie <[Crossland.Ronnie@epa.gov](mailto:Crossland.Ronnie@epa.gov)>; Fitz-James, Schatzi <[Fitz-James.Schatzi@epa.gov](mailto:Fitz-James.Schatzi@epa.gov)>; Ammon, Doug <[Ammon.Doug@epa.gov](mailto:Ammon.Doug@epa.gov)>; Poore, Christine <[Poore.Christine@epa.gov](mailto:Poore.Christine@epa.gov)>; Legare, Amy <[Legare.Amy@epa.gov](mailto:Legare.Amy@epa.gov)>  
**Subject:** SJC Material -- All Items Attached

Jim- Attached are the updated fact sheet and alternatives summary along with the State's letter, Gary Miller's (RPM) 2-page PPT update from the 7/24 and 7 figures from the proposed plan.

***Lois Haas Gartner***

Special Assistant  
Office of Superfund Remediation  
and Technology Innovation  
U.S. Environmental Protection Agency  
703.603.8711



Message

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**From:** Frank Keating [Ex. 6 - Personal Privacy]@gmail.com]  
**Sent:** 8/14/2017 3:45:55 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]; Mr. Brian C. Griffin [Ex. 6 - Personal Privacy]@cox.net]  
**Subject:** Re: Tar Creek

Kell: Brian Griffin (mobile [Ex. 6 - Personal Privacy]) was my secretary of environment and he developed the report. He is the best person to chat with.

Thanks for doing this. It is a big deal.

Frank

Sent from my iPhone

On Aug 14, 2017, at 10:40 AM, Kelly, Albert <kelly.albert@epa.gov> wrote:

Sent from my iPad

Begin forwarded message:

**From:** kelly.albert@epa.gov  
**Date:** August 14, 2017 at 10:39:23 AM CDT  
**To:** [Ex. 6 - Personal Privacy]@gmail-.com  
**Subject:** Tar Creek

Hi Frank, I am at Tar Creek today looking for solutions. If you have suggestions, I would appreciate hearing them

Sent from my iPad

Message

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**From:** Grantham, Nancy [Grantham.Nancy@epa.gov]  
**Sent:** 8/14/2017 3:33:30 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]; Gray, David [gray.david@epa.gov]  
**CC:** Grantham, Nancy [Grantham.Nancy@epa.gov]  
**Subject:** tar creek press release

Kell –

Looping us with David Gray in region 6 so we can get some of yours/and others' photos – David will have one of his folks do a draft release for us all to review.

Thanks ng

**Nancy Grantham**  
**Office of Public Affairs**  
**US Environmental Protection Agency**  
**202-564-6879 (desk)**  
**202-253-7056 (mobile)**

Message

---

**From:** Fonseca, Silvina [Fonseca.Silvina@epa.gov]  
**Sent:** 8/10/2017 5:13:18 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**Subject:** Re: San Jacinto Background Materials

Remember what we talked about regarding autonomy and control. The Regions want control of this task force.

Sent from my iPhone

On Aug 10, 2017, at 12:59 PM, Kelly, Albert <kelly.albert@epa.gov> wrote:

???

Sent from my iPhone

Begin forwarded message:

**From:** "Woolford, James" <Woolford.James@epa.gov>  
**Date:** August 10, 2017 at 12:46:24 PM EDT  
**To:** "Kelly, Albert" <kelly.albert@epa.gov>  
**Subject:** Re: San Jacinto Background Materials

All your tours are important. And I hear you wonder as much as Moses.... 😊

When you get a breather we should bring you more up to speed on OSRTI/Regional interactions.

I do think we are going to have to talk about about balancing competing policy directions in the TF report and the Administrator's memo expectations for resource direction / redirection. E.g. Address human exposure sites, push redevelopment, prioritize RI/FS, pilot GW and sediments, more deletions, etc. I am concerned, and this has come thru calls with Regional DDs on prioritization of resources, that their perspective is that they want to retain the (total) discretion to decide precisely which area to focus on- so where one region is focusing on Human exposure sites, a second could be focusing on redevelopment while a third on GW sites - so this effort could, if we don't carefully manage it, become a splintered effort.

Sorry I can't make the trip tomorrow.

Sent from my iPhone

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If there is anything I need to know in advance of these visits, please let me know. Also, voice any concerns that you have that I need to know as well. I value your advice. Thank you.

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Senior Advisor to the Administrator  
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202 306 8830

---

**From:** Woolford, James  
**Sent:** Thursday, August 10, 2017 11:42 AM  
**To:** Kelly, Albert <kelly.albert@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>  
**Cc:** Edlund, Carl <Edlund.Carl@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Poore, Christine <Poore.Christine@epa.gov>; Phillips, Pam <phillips.pam@epa.gov>  
**Subject:** FW: San Jacinto Background Materials

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I asked my staff to prepare some materials for your visit. They are attached:

1. <!--[if !supportLists]--><!--[endif]-->Power point with schedule as of July 24 (also part of the 6 page summary)
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<image001.gif>

---

**From:** Gartner, Lois  
**Sent:** Thursday, August 10, 2017 9:47 AM  
**To:** Woolford, James <[Woolford.James@epa.gov](mailto:Woolford.James@epa.gov)>  
**Cc:** Crossland, Ronnie <[Crossland.Ronnie@epa.gov](mailto:Crossland.Ronnie@epa.gov)>; Fitz-James, Schatzi  
<[Fitz-James.Schatzi@epa.gov](mailto:Fitz-James.Schatzi@epa.gov)>; Ammon, Doug  
<[Ammon.Doug@epa.gov](mailto:Ammon.Doug@epa.gov)>; Poore, Christine  
<[Poore.Christine@epa.gov](mailto:Poore.Christine@epa.gov)>; Legare, Amy <[Legare.Amy@epa.gov](mailto:Legare.Amy@epa.gov)>  
**Subject:** SJC Material -- All Items Attached

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***Lois Haas Gartner***  
Special Assistant  
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Message

---

**From:** Woolford, James [Woolford.James@epa.gov]  
**Sent:** 8/10/2017 4:46:24 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**Subject:** Re: San Jacinto Background Materials

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1200 Pennsylvania Avenue, NW  
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202 306 8830

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**Sent:** Thursday, August 10, 2017 11:42 AM  
**To:** Kelly, Albert <kelly.albert@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>; Fonseca, Silvina <Fonseca.Silvina@epa.gov>; Falvo, Nicholas <falvo.nicholas@epa.gov>  
**Cc:** Edlund, Carl <Edlund.Carl@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Stalcup, Dana <Stalcup.Dana@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Poore, Christine <Poore.Christine@epa.gov>; Phillips, Pam <phillips.pam@epa.gov>  
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<image001.gif>

---

**From:** Gartner, Lois  
**Sent:** Thursday, August 10, 2017 9:47 AM  
**To:** Woolford, James <Woolford.James@epa.gov>  
**Cc:** Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Fitz-James, Schatzi <Fitz-James.Schatzi@epa.gov>; Ammon, Doug <Ammon.Doug@epa.gov>; Poore, Christine <Poore.Christine@epa.gov>; Legare, Amy <Legare.Amy@epa.gov>  
**Subject:** SJC Material -- All Items Attached

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***Lois Haas Gartner***

Special Assistant

Office of Superfund Remediation  
and Technology Innovation

U.S. Environmental Protection Agency

703.603.8711



Message

---

**From:** Gardner, Monica [Gardner.Monica@epa.gov]  
**Sent:** 10/9/2017 2:34:46 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Breen, Barry [Breen.Barry@epa.gov]; Woolford, James [Woolford.James@epa.gov]  
**CC:** Mackey, Cyndy [Mackey.Cyndy@epa.gov]; DeLeon, Rafael [Deleon.Rafael@epa.gov]; Healy, Helena [Healy.Helena@epa.gov]  
**Subject:** Fw: draft NTOC OSRE talking points  
**Attachments:** OSRTI Briefing Materials for October 2017 National Tribal Operations Committee.docx; ATT00001.htm; Superfund Hot Tribal Sites Update 10417.docx; ATT00002.htm; OSRE NTOC Talking Points - 10-11-17.docx; ATT00003.htm

Please find attached Superfund-related talking points for the NTOC meeting this week. Let me know if you have questions.

Thanks,  
Monica

**From:** "Freed, Elisabeth" <Freed.Elisabeth@epa.gov>  
**Date:** October 5, 2017 at 5:14:06 PM EDT  
**To:** "Sander, Matthew" <Sander.Matthew@epa.gov>, "Healy, Helena" <Healy.Helena@epa.gov>, "Gardner, Monica" <Gardner.Monica@epa.gov>  
**Cc:** "Austin, Anthony" <Austin.Anthony@epa.gov>  
**Subject:** draft NTOC OSRE talking points

Hi Everyone,

Attached are two briefing documents prepared by OLEM for the NTOC meeting and one document containing OSRE's draft talking points. OLEM's documents cover the SF task force initiative and the major tribal SF sites, including enforcement actions, where applicable. Anthony and I tried to provide talking points for areas and issues not covered by OLEM's documents.

My understanding is that Kell plans to talk about the task force agenda in very broad terms and will discuss how tribes can partner with EPA on next steps. He plans to stay away from specifics. Larry will attend as the representative from OECA and does not have a speaking role. In past years, tribal leaders have been primarily interested in the technical and funding side of Superfund. Anthony and I anticipate the same for this year.

Please let us know if you have any questions or need more information. Once these are approved, Susan O'Keefe would like us to send them to her for inclusion with other OECA talking points.

Peace, Elisabeth

*Elisabeth Freed* • USEPA/OECA/OSRE/PGB • (202) 564-5117 • [freed.elisabeth@epa.gov](mailto:freed.elisabeth@epa.gov) •



Message

---

**From:** Edlund, Carl [Edlund.Carl@epa.gov]  
**Sent:** 12/11/2017 10:03:25 PM  
**To:** Kelly, Albert [kelly.albert@epa.gov]  
**CC:** Meyer, John [Meyer.John@epa.gov]; Atkins, Blake [Atkins.Blake@epa.gov]; Luckett, Casey [Luckett.Casey@epa.gov]; Phillips, Pam [phillips.pam@epa.gov]; Casanova, Rafael [Casanova.Rafael@epa.gov]  
**Subject:** FW: Tar Creek - Requested Information from Call Today  
**Attachments:** 06-9679184.pdf

Kell- Here's the latest 5-year review [thank you Rafael] ... it's a big one at 240 pages.

---

**From:** Casanova, Rafael  
**Sent:** Monday, December 11, 2017 3:54 PM  
**To:** Edlund, Carl <Edlund.Carl@epa.gov>  
**Cc:**  
**Subject:** Tar Creek - Requested Information from Call Today

Carl, attached is the requested 2015 Five-Year Review for the Tar Creek Site. I have also included the link to the Site's Web Page where additional documents can be found: [www.epa.gov/superfund/tar-creek](http://www.epa.gov/superfund/tar-creek)

Let me know if you need anything else, thanks.

---

Rafael Casanova, P.G. (Environmental Scientist, Remedial Project Manager)  
U.S. Environmental Protection Agency (Region 6)  
Superfund Division (6SF-RA)  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Office Telephone # - (214) 665-7437  
Office Telephone Toll-Free # - (800) 533-3508  
Office Facsimile # - (214) 665-6660  
E-Mail - [casanova.rafael@epa.gov](mailto:casanova.rafael@epa.gov)